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CHARTERS

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U.S. NEWS & WORLD REPORT
25 February 1980

Pro and Con

Take the Wraps Off CIA?

YES—"Deal with the world as it is and not as we'd like it to be"



**Interview With
Senator
Walter D. Huddleston**

Democrat,
Of Kentucky

Q. Senator Huddleston, why do you favor easing the restrictions on covert operations by the CIA?

A. The CIA now has to report on its activities to eight congressional committees—four in the House and four in the Senate. This has a chilling effect on the CIA when it plans covert activities—particularly when the secret operations of other countries also are involved. The intelligence agencies of some countries are afraid to cooperate with the CIA when they know that so many congressional-committee members are going to be told about their plans.

Let me emphasize, however, that we should enter into covert activities with a great deal of caution. They should not be approved except in extraordinary circumstances. And before we begin covert operations, we must be assured that we have fully assessed all the risks and dangers involved.

Q. Some people believe that cloak-and-dagger operations designed to topple foreign governments or assassinate political figures abroad have no place in the foreign policy of a democracy—

A. I can understand that feeling, but we simply have to deal with the world as it is and not as we'd like it to be. There are times when it's to our advantage—and to the advantage of the countries we're dealing with—to engage in covert operations. I would bar assassinations.

Q. What other changes in the laws governing the CIA do you propose?

A. The Hughes-Ryan amendment to the 1974 Foreign Aid Authorization Act, which requires the CIA to report to eight congressional committees, should be modified. Reporting to only two committees—the intelligence committees of the House and Senate—would be enough. These committees have established acceptable security standards. They have provisions whereby they can relay secret information to other committees that have a need to know it.

Also, I would want the President personally to review and authorize any covert activities of a large scope. There might be instances in which the President could approve categories of operation, and then the National Security Council could determine the specific projects to undertake.

Q. If restrictions on the CIA are eased, is there a danger of recurrence of questionable CIA adventures?

A. One thing that would militate against that is this: The intelligence committees would continue to have an opportunity to see virtually all the information the CIA has.

Also, Congress must develop a comprehensive charter for operations of the CIA and all of our intelligence agencies.

NO—"No agency of government should be removed from accountability"



**Interview With
Representative
Ted Weiss**

Democrat,
Of New York

Q. Representative Weiss, why do you oppose easing congressional restrictions on covert operations of the CIA?

A. We now know that our intelligence agencies have gone far beyond their legitimate function of gathering intelligence in recent years. When they do, not only do we end up subverting the governments of other countries, but we run a very serious risk of subverting our own democratic process. That's exactly what happened during the Nixon era. To go back to that kind of situation would be a grave mistake from a national, democratic, constitutional point of view.

Q. Critics say that the requirement that six congressional committees, in addition to the intelligence committees of the Senate and House, be notified of the CIA's covert operations makes leaks to the press almost inevitable and covert operations almost impossible to conduct—

A. I'm not for leaks. But this is a misplaced concern. Members of Congress, on the basis of their record, cannot be accused of not keeping CIA information confidential. I'm much more concerned that we not start building walls of secrecy between the people and those who govern, and between the CIA and Congress.

When House committees other than the Intelligence Committee consider secret CIA matters, any member of Congress can be present. But the Intelligence Committee can refuse to permit other members of Congress to sit in on its sessions. This makes some members of Congress more equal than others, and is a very dangerous trend.

Q. Then you oppose proposals to restrict CIA reporting to the intelligence committees of the Senate and House?

A. I do. Or, if the number of committees hearing CIA reports is to be reduced, nonmembers of the House Intelligence Committee should be allowed to attend intelligence-committee sessions.

Q. Wouldn't that be a hindrance to the operations of the CIA?

A. No. The fact is that not only is the CIA trying to reduce the numbers of committees which have access to CIA information, but it wants to limit entirely the disclosure to Congress of plans for covert CIA operations—no matter how many committees are involved.

Under the pressure or the guise of international tension, the CIA wants to go back to doing business as it did before the Congress and the American public and press called the CIA to account. That would be a very serious and mistaken step backwards.

Q. Those who would ease the restrictions on the CIA say that

individual rights would be protected in our free and open society.

Q If the agency had had a freer hand, could it really have done anything to push events in Iran and Afghanistan in directions favorable to the U.S.?

A In Iran, we obviously relied upon the Shah and his organization to supply us with information. What actions we might have taken, had we had better intelligence sooner, are pretty problematical. Once the tide began to move against the Shah, there was not much that could be done.

On Afghanistan, our intelligence information was pretty good. But misinterpretation of the information is always possible. I don't know what we could have done there that we were not doing.

Q Are your colleagues who are now informed of CIA covert activities willing to give up that privilege?

A We have talked to some of them, including Senator Frank Church, chairman of the Senate Foreign Relations Committee. If committees like Senator Church's can be assured that the intelligence committees will have prior knowledge of CIA covert activities and—in a secure way—will pass along information to other committees that need it, then I think these committees will give up the privilege of being briefed directly by the CIA.

Q Do you know of instances in which information given to Congress by the CIA has been leaked to the press by lawmakers or their staffs?

A You would be hard pressed to find specific instances where secret information has been leaked from Congress. On the Senate Intelligence Committee, we are very careful about how we handle secret information. I think the White House and the intelligence community have confidence in our committee and, hopefully, in the House committee.

Q Does the public have too easy access to CIA information under the Freedom of Information Act?

A Yes. Responding to requests under the FOI Act requires a tremendous amount of man-hours and a lot of expense. There is reason to believe that certain requests are initiated by the Soviets' KGB. We should restrict FOI requests to American citizens who are seeking information on their own personal involvement with the CIA.

Q Haven't there been instances in which the lives of CIA agents were endangered when their names were revealed?

A Yes. I'm very much concerned about the revelation of names of agents. Philip Agee, a former CIA agent, is the principal offender. His activities have caused a great deal of difficulty for the CIA. There should be very strong penalties for those who accept a position in government, pledge to keep information secret, and then violate their pledge when they leave government service. Those who endanger American citizens serving their country in the intelligence community should be severely penalized.

Q By making the disclosure of an agent's name a federal crime, with a jail sentence?

A Yes, a jail sentence and a fine. The question of the role of the press in printing the names of agents disclosed by someone like Agee is admittedly a more difficult area, and we are trying to come to grips with it. □



CIA Director Stansfield Turner before one of eight congressional committees to which agency reports.

operate with the CIA because of the extent to which the CIA must report to Congress—

A My tendency is to think that that's an overstatement. A foreign intelligence agency's relationship to the CIA has positive advantages to a foreign country. It is unlikely that a foreign intelligence agency will break it off because the CIA is subject to the democratic processes in this country.

I am basically unsympathetic with the whole concept of so-called covert operations. That is not what we should be doing, except under the rarest of circumstances.

Q The Soviet Union has a massive cloak-and-dagger operation. Wouldn't restrictions on CIA covert operations make it difficult to uncover Russian plans?

A I am for the CIA and FBI having full authority to engage in counterintelligence activities to ferret out information on foreign espionage. But legitimate intelligence gathering differs from cloak-and-dagger operations, which I oppose.

Q Is it possible that if the CIA had had a freer hand, the U.S. position in the Persian Gulf area could have been kept from deteriorating so rapidly and so unexpectedly?

A If anything, the Persian Gulf situation—and I assume you mean Iran and Afghanistan—only demonstrates that it is not more information that is needed but people who are capable of interpreting it accurately. It was no secret that the Russians were massing troops on the Afghanistan border. It was reported. Nobody seemed to pay any attention.

As for Iran, the problem was that we had worked out a sweetheart deal with the Shah that our CIA people were not going to gather intelligence or information except as he approved it.

Q Would you be opposed to aiding those elements in Afghanistan who are resisting the Soviets?

A Not necessarily. If a group that is clearly representative of the majority segments of the Afghan population openly asks for economic assistance or perhaps even military support, I think we should openly consider what is in our best national interest.

My objection is to having the policy determined in secrecy, and then having the American people brought in for the crash landing.

Q Are there no grounds for narrowing the public's access to CIA information under the Freedom of Information Act?

A What the CIA would like is a blanket exemption from the requirements of the FOI Act. That would be wrong. The CIA has been very slow even in supplying information that obviously had nothing to do with national-security considerations. No agency of government should be removed from accountability.

Q What about the accessibility to CIA files by foreigners?

A A good case can be made for restricting foreigners' access to CIA files, but enforcing such a law would be difficult. Americans should clearly have access to their personal files and operational files after some limited time has elapsed.

Q Since lives could be risked by disclosure of the identity of CIA agents, would you object to making such revelations a crime?

A If the names are classified, revealing them should be a crime. But the person who leaks them within the agency should be charged, not the reporter who publishes them—if we are to protect our First Amendment rights. □

ARTICLE APPEARED
ON PAGE 104U.S. NEWS & WORLD REPORT
25 February 1980

The Editor's Page

Taking the Shackles Off CIA

By Marvin Stone

The Soviet Union has a major, effective weapon that the United States does not have—the KGB, the multi-tentacled Committee for State Security.

The KGB is Russia's Central Intelligence Agency and Federal Bureau of Investigation rolled into one secret force many times larger and infinitely more powerful than all of America's embattled intelligence services.

KGB gets its orders from the Kremlin and executes them as it pleases at home and overseas. No members of Russia's rubber-stamp parliament are about to question KGB operations.

Not so in the United States. Our Congress, with plenty of help, for six years has been carping about the sins, real and unreal, of the CIA. The result has been a profound weakening, very nearly a disastrous weakening, of U.S. intelligence efforts.

One product of the congressional labors was an amendment to the Foreign Assistance Act of 1974. This amendment, authored by Senator Harold Hughes (D-Iowa) and Representative Leo Ryan (D-Calif.), forbids covert operations unless the President rates each as "important" to national security and so reports to the "appropriate" congressional committees. Astoundingly, these, in the end, were found to be seven committees involving 200 members—some overlapping—and about 40 staff members.

Twice since 1974 the President reported to these committees about covert operations. Details then were leaked to the press. Both involved CIA payments: One to help King Hussein of Jordan, others to friendly Italian political parties. Both leaks damaged U.S. interests. Under such conditions of insecurity, covert operations are virtually ruled out for the CIA. But not, of course, for the KGB and Russia.

For years, the CIA has taken a drubbing in the media. For example, one study of television coverage, conducted by Ernest W. Lefever, indicated a striking imbalance in the attitude of the TV networks. Of the 1,079 reports in the

period studied, only 141 were judged favorable while 714 were unfavorable and 224 rated "neutral." This was found "at least highly questionable . . . when one recalls that even senators . . . highly critical of the CIA publicly acknowledge that the great bulk of the agency's activities have been conducted within its charter and carried out in a creditable and professional way."

Individual Americans as well have pounced on the CIA with undisguised glee. One such, a former CIA agent named Philip Agee, has made a career of disclosing and endangering CIA people working undercover in sensitive posts abroad.

The net effect of all this has been to tear down CIA morale, to damage CIA contact with other friendly intelligence services, to reduce a vital agency to one more bureaucracy, fearful of initiative, shorn of decisiveness.

Change is crucial. President Carter, in his state-of-the-union message, asked "clear and quick passage of a new charter" that would "remove unwarranted restraints on America's ability to collect intelligence."

Congress is deliberating at a snail's pace on the new charter, as well as on repeal of Hughes-Ryan. Other issues under study are new limits on public access to sensitive material under the Freedom of Information Act, and penalties for exposing the identities of American agents.

Nathan Hale, hanged after he was caught behind British lines in the disguise of a Dutch schoolteacher, remains an American hero whose statue stands before the CIA headquarters near Washington. Espionage for one's country, at one time at least, was considered as noble and heroic as valor on the battlefield.

Rebuilding the CIA, after the damage wrought by its enemies and its reformers, appears now to be agreed on. But the President, the Congress, the media and the American people should get on with the job. Only the KGB has reason to laugh at the delay.

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THE BALTIMORE SUN
21 February 1980

A Charter for Spying

The Senate Intelligence Committee begins hearings this morning on the National Intelligence Act, a charter for the Central Intelligence Agency and other collectors of foreign information, and while we welcome the enterprise, we worry about the timing. The international situation is such that senators who want a responsible charter, one that neither hobbles the intelligence community nor does damage to American citizens and the Constitution, are going to have a hard time seeing that such a balance is achieved.

The Supreme Court has just provided an excellent example of the tendency in times like these to bend over backwards in favor of the CIA. On Tuesday it ruled that former CIA man Frank Snepp must turn over to his old employer all the money he has earned from a book about some of his experiences. The court did this even though there is no law that requires such, even though the CIA, itself, was not asking for such extraordinary punishment of Mr. Snepp, and without even hearing arguments in the case!

The draft charter before the Senate is in most respects a good one. Should the bill become law there would be statutory definitions and guidelines for the intelligence community that have been lacking in the past. But most important of all, there would be a workable, responsible system of executive and congressional oversight of intelligence activities, including covert activities. It would be unlikely that any senator would ever have to say again, as Frank Church did a few years ago, that the CIA was "a rogue elephant."

Congressional oversight of CIA covert activities, including advance notification of certain kinds of covert activities to a limited few members, is the heart of the proposed charter. Unfortunately, President Carter dis-

agrees, holding there is no need for advance notice. He also would like to impose excessive penalties on private citizens who publish certain classified information and on agents who supply such secrets. The committee wisely would make liable only agents and others with official access to secrets. There are First Amendment questions here, as there are in another vital section of the charter.

The proposed legislation would prevent the CIA from planting an agent as a correspondent working for an American newspaper, magazine or broadcasting company. This is an important clarification, considering past CIA malpractice. We would also want the charter to forbid the CIA's contracting with bona fide American journalists as sources of information. Correspondents and agents will always exchange information in the real world. There's nothing wrong with that. But formal, for-pay arrangements for any journalists compromise all journalists.

Despite the bill's obvious merits, we object to its provisions allowing the CIA to exempt much of its work from the Freedom of Information Act. There has been no showing that this is necessary. National security data are protected under the FOIA. This bill would allow even such outrages as the secret drug testing program to remain hidden from researchers.

Finally, there are troubling questions on searches and surveillance. The bill commendably forbids such dubious techniques without a warrant. But it debatably gives courts explicit permission to issue such warrants against citizens who are suspected of no crime. We urge the committee to listen carefully to witnesses who take the traditional civil libertarian view on this use of police state activity.

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NEW YORK TIMES
21 FEBRUARY 1980

Moynihan Will Seek to Eliminate Press Penalties in Intelligence Bill

By IRVIN MOLOTSKY
Special to The New York Times

WASHINGTON, Feb. 20 — Senator Daniel Patrick Moynihan said today that he would seek to remove from a pending intelligence bill a section making it a criminal act for the press to disclose the names of intelligence agents.

Senator Moynihan, a New York Democrat who is a member of the Senate's Select Committee on Intelligence and a sponsor of the measure, said that he would move to strike the section when the committee met tomorrow to take up proposed changes in intelligence laws.

The Senator said in an interview that he had become convinced of the undesirability of providing penalties for the press after discussing it with Floyd Abrams, the New York lawyer who has made a specialty of First Amendment cases.

Such a provision "might have a chilling effect," Senator Moynihan said, adding: "We have almost always decided those close cases on the side of accepting the

risks of disclosure as being preferable to any inhibition on the freedom of the press to publish."

Asked why he had introduced the matter in the first place, the Senator said he had done so to speed Congressional action on measures concerning the Central Intelligence Agency and other intelligence matters. "We simply took the House committee bill, which had been introduced already," he said.

Open to Discussion

Of the part establishing criminal liability for the press, Senator Moynihan said that he had commented earlier that expressions of concern were a "fair point" and that "if there is a problem we will talk about it."

That there was a problem became apparent when editors and lawyers complained about it, with Mr. Abrams telling a House of Representatives committee last month that the press measure would be "flatly and facially unconstitutional."

Mr. Abrams cited as an example the case of Francis Gary Powers, the pilot of the U-2 reconnaissance plane shot down

over the Soviet Union in 1960. If such a law had been in effect then, Mr. Abrams said, every publication that used Mr. Powers's name would have been subject to criminal prosecution even though the Soviet Union had disclosed the incident and was holding Mr. Powers in custody.

The rest of the proposed measure remains intact, Senator Moynihan said. One section would reduce from eight to two the number of Congressional committees that oversee C.I.A. activities.

Intelligence Bodies Exempted

Another part would exempt the Central Intelligence Agency and other intelligence bodies from most provisions of the Freedom of Information Act. Senator Moynihan said that it was "absurd" to allow "an agent of the K.G.B." to seek intelligence under the act. While he acknowledged that no agent of the Soviet intelligence organization had apparently

actually obtained such information, he asserted that such applications had been made by Polish officials.

The third part of the measure contains two parts — the press section that Mr. Moynihan will seek to strike and another one that he will retain. The latter would make it a crime for a present or former intelligence agency official, or anyone else with authorized access to the names of undercover agents, to divulge those names.

Thus, if the bill passes in the form the Senator intends, the person giving the names to a publication could be prosecuted but the publication that printed them could not.

Asked to assess the likelihood of success in removing the press provision, Senator Moynihan said that he thought his request would do "pretty well."

Mr. Moynihan actually signaled his change of position in a Senate speech Feb. 8 in which he reported Mr. Abrams's concern about the press proposals.

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WALL STREET JOURNAL
21 February 1980

Huddleston's Muddle

The Senate Intelligence Committee opens hearings today on a proposed legislative charter for the Central Intelligence Agency. Doubtless the hearings will be a fun exercise for the Senate and the press, but whether this will result in an improved, more effective intelligence system is doubtful.

The charter concept is an outgrowth of Senator Church's old committee investigation of alleged CIA abuses, most of which proved much ado over not much. Like the Church panel, the new piece of legislation—sponsored by Senators Huddleston, Bayh, Goldwater and Mathias—is preoccupied with protecting U.S. citizens' rights against infringement by the agency. These proscriptions dominate the massive charter, which rivals the Constitution in size and stretches over 81 columns of fine print in the Congressional Record. In the words of Senator Moynihan, the charter is "a mournful exercise in bureaucratic draftsmanship, page after page of thou shall nots—and the only positive and repeated exhortation is that thou shall coordinate."

The reason for the legislative muddle, which has been three years in the making, is simple: No one wants to take responsibility for sanctioning illegal actions by a government agency even if it is pursuing information vital to national security. The CIA, stung by years of bad publicity and some bad intelligence work, will not act without direct presidential authorization. The President, mindful of the charges leveled against his predecessors, is reluctant to act without a nod from Capitol Hill. And the Congress, which drove the exposure bandwagon, now seeks judicial consent for breaches of the law.

There are serious problems with this approach to the bench, which one observer described as a "strange judicial imperialism." For one it would mean that a U.S. court would be asked to legitimize the breaking of a law, such as bugging, in a foreign country when a U.S. citizen was under investigation. Moreover, the charter presumes to tell the courts that they "shall not refuse" to issue a warrant even when pertinent information is withheld at the request of a foreign government cooperating in an investigation.

Besides these legal hang-ups, the charter imposes practical problems as well. For instance, it forbids assassination—full stop—without bothering to define the term and without providing exemptions such as in the case of war. (A similar prohibition was imposed in 1978 by President Carter.)

While the charter would repeal the Hughes-Ryan amendment which requires the President to inform 195 Congressmen of covert action by the CIA, it would require "prior notification" of such actions to the Senate and House intelligence committees. The White House is fighting the "prior notification" requirement, saying that presidential discretion should be used to decide the timing of the release of such information. The danger of Capitol Hill knowing of the stowaways in the Canadian Embassy in Tehran is used as a case in point. And while there is no way of knowing whether Congress was the culprit, the small-scale covert arms shipments to rebels in Afghanistan have in fact been leaked recently, and prominently displayed in Soviet news media.

The notion of a charter is an anachronism, a left-over from a recent but already-dim historical period. The assault on the CIA was never really about the few abuses found after scrutiny of its 20-year history; it was part of a broader attack on the role America played in the world. The diagnosis was that the problems of the world resulted from an unchecked "American Imperialism" (remember?), and that thus a charter was needed to set out the legal code for a law enforcement agency.

Given the world that has emerged, we should be able to recognize that the CIA is not a law-enforcement agency; in important respects it is intended as a law-breaking agency. From the earliest days of the Republic, when George Washington admonished his generals to "leave no stone unturned" in collecting intelligence against the British, principled but worldly men have recognized that in certain types of combat the normal legal rules are no longer controlling.

This does not mean, and has never meant, that the CIA is unrestrained. It is restrained by its now unmistakable political vulnerabilities, by its own traditions and most of all by the democratic nature of the society in which it grows and operates. At a time when the pressing problem is not the CIA's abuses but its ineffectiveness, it is a fool's errand to try to write those restraints into law. The prudent course is to repeal the Hughes-Ryan amendments and face the fact that in intelligence there is no substitute for presidential discretion.

ARTICLE APPEARED
ON PAGE A11THE WASHINGTON STAR (GREEN LINE)
21 February 1980

Henry Brandon: A question of covert action

While the intelligence committees of Congress are preparing for hearings on the limitations of covert operations as part of a new charter for the Central Intelligence Agency, major "leaks" about current covert operations occurred in the press that many high officials say are highly embarrassing to the United States.

The "leaks" indicated that the CIA had been instructed to supply arms to the Afghan rebel tribesmen resisting the Soviet occupation in Afghanistan. The stories included such details as these: that the arms were mostly of Russian origin, that the operation began in mid-

January and that the arms were funneled into Afghanistan through Pakistan. It gave them considerable authenticity.

It was not surprising that the Soviet press prominently displayed those reports, which confirmed earlier Soviet allegations that the United States was supplying arms to Afghan rebels. Since the Soviet government had said that its troops would only be withdrawn once the reason for their presence no longer existed, these reports furnished an excuse to keep them there indefinitely. It was for this reason that

there was consternation among leading State Department officials about the "leaks."

At the senior level of the National Security Council, it was a report in *The New York Times* that elicited a denial, stating that no senior White House official or NSC official had been the source of the article as it had claimed. Zbigniew Brzezinski, the president's national security adviser, went further by saying that no one on his staff had spoken to the correspondent who wrote the story.

I have no idea who actually "leaked" the report, but such leaks usually occur with a purpose behind them, and it may be interesting to speculate on the reasons.

Perhaps the most likely reason has international as well as domestic overtones. The source may have felt that it was important for the United States to prove to the world, and to Americans, that it is doing more than is apparent on the surface to counter the Soviet lurch into Afghanistan — and to assure the rebels that they would not be left to themselves if they carried on their fight.

It may also have been designed to remind the Rus-

sians that they will not have an easy time in Afghanistan and that the United States can do what the Soviet Union did when it openly supplied arms to the insurgents in Vietnam. This Russian aid was part of the reason the United States failed to win that war.

In Afghanistan it would appear that the shoe is on the other foot. The Russians will have to face the fact that as long as they try to impose their own puppet on the Afghans, they will not be able to pacify the country and face continued guerrilla warfare.

In this connection the official announcement by the Egyptian ministry of defense that Egypt had undertaken to train Afghan guerrillas was most unusual and added to the puzzlement about what would normally have been considered another covert operation.

This boast may have been designed to hearten Afghan guerrillas but, above all, to show the world that Egypt is now able to fulfill a useful military role in support of American policy in the region and that there exists some sort of coordination with United States policy. As an afterthought, this not-so-covert operation might also help to impress Congress

when it comes to consider Egypt's request for substantial new arms aid.

The leak could also have been prompted by those quarters who generally disapprove of the United States indulging in covert operations, and since Brzezinski belongs to those who have advocated covert operations, there may have been a purposeful desire to point an accusing finger at him. There have been some heated arguments within the Carter administration as to whether and to what extent covert operations should be undertaken.

Therefore, if confusion and bitter complaints exist in some quarters about the leaks, it can only be an indication that there is disagreement within the administration as to whether these covert operations are likely to facilitate the strategy for a negotiated solution — including the establishment of a neutral supervisory commission to be placed along the Pakistani-Afghanistan border, as President Carter suggested.

It also raises the question whether the United States can conduct covert operations on the scale of supplying arms to Afghan rebels without their becoming public knowledge.

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ON PAGE **A-38**NEW YORK TIMES
17 FEBRUARY 1980

PRESS IS CONCERNED OVER BILLS ON C.I.A.

Proposed Charter Legislation Seen as Threat to Reporters' Lives and Ability to Get News

By DEIRDRE CARMODY

Some members of the press are expressing concern that provisions in proposed "charter" legislation that would govern United States intelligence activities could endanger the lives of American correspondents abroad and inhibit their ability to gather news.

Senator Walter D. Huddleston, Democrat of Kentucky, and four other members of the Senate Select Committee on Intelligence have introduced a bill on charter legislation that, with some exceptions, has been endorsed by the Carter Administration.

The committee also has before it a bill introduced by Senator Daniel Patrick Moynihan, Democrat of New York, and six other senators. The House is considering similar legislation.

Besides the lack of a specific prohibition against the use of journalists as intelligence agents, the press is also concerned over language in the Moynihan bill and in similar proposals before the House Select Committee on Intelligence that would make it a crime for reporters to disclose the identity of intelligence agents or sources. Before criminal sanctions could be imposed, however, it would have to be proved that the press intended to impede or impair intelligence activities by disclosing these names.

Permission to Burglarize Opposed

In addition, the press is concerned over a provision in the Huddleston bill that would permit intelligence agencies in some circumstances to burglarize residences or to open mail of Americans abroad believed to possess information about foreign governments.

The use of journalists as intelligence agents has long been a sensitive subject. There have been allegations at various times that some major news organizations have maintained confidential relationships with the Central Intelligence Agency in the past, although most of these allegations have been denied by the news organizations in question.

Agents of the C.I.A. have said that American journalists are valued as intelligence operatives because they can move about freely without arousing suspicion, can ask questions about almost anything and usually have good sources within foreign governments.

Most members of the press feel strongly that journalists must remain completely independent of their government and that any kind of serious exchange of information with government officials violates their integrity and makes it difficult for other journalists to retain the trust of their sources. For this reason, news executives are worried that none of the proposed legislation includes a provision specifically prohibiting the use of journalists as intelligence agents.

Credibility of Journalists Cited

"The proposed statutes are of deep concern to working journalists," says Charles W. Bailey, editor of The Minneapolis Tribune and chairman of the freedom of information committee of the American Society of Newspaper Editors. "The risks are somewhat higher than earlier times. American foreign correspondents need every ounce of credibility they can maintain in an era when terrorism and assassinations are the common coin of political action."

Keith Fuller, president and general manager of The Associated Press, says that any possibility that news reporters could be intelligence agents "would endanger my staff all over the world."

In testimony before the Senate Select Committee on Intelligence in 1978 Mr. Miller said: "I find that in many countries I could name where we have to deal with sources that are on both sides — the legitimate government and the terrorists and dissidents and so forth — any suggestion that we are not there strictly as objective reporters of the news is itself a total danger, not only to the people on that story but also around the world where these situations are duplicated."

There also is press concern about a provision in the Moynihan bill that would make it a crime for the press to disclose the names of C.I.A. agents. Floyd Abrams, a lawyer who specializes in First Amendment cases, told the House Select Committee on Intelligence at a hearing last month that this would be "flatly and facially unconstitutional."

1960 U-2 Incident Recalled

Mr. Abrams, emphasizing that he was appearing on his own and not on behalf of any of the news media clients he represents, reminded the committee that in 1960, when a U-2 reconnaissance plane piloted by Francis Gary Powers was shot down in the Soviet Union, every publication in the United States that published Mr. Powers's name would have been subject to criminal prosecution under such a statute until the executive branch publicly disclosed that Mr. Powers was an agent. Under such a statute, criminal sanctions could have been imposed even though the Russians themselves disclosed the incident and said Mr. Powers was facing charges in the Soviet Union.

Mr. Abrams also said that such a statute would prohibit articles naming intelligence operatives who were acting illegally and spying on Americans who had done nothing more than oppose those in power. He said the statute would also prohibit news articles about academics who might have been recruited by the C.I.A. in violation of the law.

To prosecute under this proposed statute, it would have to be proven that the journalists acted with intent to impede or impair intelligence activities. However, critics of the proposed statute say that this could easily become a blurred area.

The "positive information" section in the Huddleston bill is particularly troublesome to the press. If a foreign correspondent interviewed a head of state or a dissident in a foreign country, for example, intelligence agents could ask to debrief him. If the reporter declined to tell them what had been learned in the interview, they could obtain permission to tap the reporter's telephone, enter his room and search for notes or tapes of the interview or steal a briefcase believed to contain such information.

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ATLANTA CONSTITUTION
17 FEBRUARY 1980

Jasper

Dorsey



In Trusting Soviets, We've Gutted CIA

As we commence an agonizing reappraisal of our espionage capability — essentially the crippled Central Intelligence Agency — we are embarrassed at our bankrupt, self-imposed condition.

An ancient military genius, probably Chinese, said that if the head of a state did not possess an intelligence-gathering agency, then the prudent ruler must invent one to survive.

How did we reach our present state of the art, in which the CIA has eight congressional committees supervising its activities?

It's no accident Congress rates right down there with the sub-basement level on the popularity register. The latest congressional capers seem to prove that some of our elected representatives may be for rent. Can we even trust all those eight committees with our national secrets?

How did we ever come to believe that detente would be a good program for us? Who sold us that the Cold War was so bad? The Soviets and their admirers, that's who.

During the 1960s and the 1970s if you wanted to keep your reputation for sanity, it was prudent to avoid attacking Soviet motives, their form of government, or their trustworthiness. Any attack on communism, and you became some kind of nut.

These same Soviets who financed, supported, encouraged and supervised the North Korean aggression are the ones who sent the Red Army against East Berlin in 1953, against Hungary in 1956 and against Czechoslovakia in 1968. They have a first and second mortgage on Cuba, and have sent a large Cuban army into Angola, Ethiopia and South Yemen.

Detente meant opportunity to the Soviets to close the military gap and surpass us, while to many of our Soviet admirers it became an opiate and a false dream, and also an excuse to expand the welfare state rapidly, to the detriment of defense.

Today's liberals and self-styled intellectuals are like Procrustes, a fabulous bandit in Attica of ancient Greece, who placed his victims in his bed overnight. This robber was an original, for he forced his guests to conform to the length of the bed. The short ones were stretched — the tall ones shortened with an ax.

So Procrustean describes those who wish to produce conformity by arbitrary or violent methods. We have many of them in our bureaucracy and among our elected representatives.

Some American intellectuals and liberals had so beguiled us that the CIA became the villain and the FBI became the enemy, not the Soviets.

Afghanistan woke up a lot of us, and even evoked the incredible admission by the President that he learned more about the Soviet Union in the first week of the conquest of Afghanistan than in all his previous time in the presidency.

Strangely, so many other wise, sophisticated Americans have been taken in by Soviet propaganda. Look how many businessmen and farmers have been eager to curry Soviet favor and trade; so much so that presidential candidates have attacked Carter about embargoes.

Maybe we need for our children, and ourselves, to study more history, both ancient and modern, and more philosophy, instead of so much technology. Let's emphasize studies in how to think, reason and remember.

ARTICLE APPEARED
ON PAGE 52

EDITOR & PUBLISHER
16 February 1980

Proposed charter forbids CIA to pose as reporters

By I. William Hill

CIA agents would be forbidden to pose as journalists, academics or clergymen but would be allowed to pay members of those professions for spying under the proposed National Intelligence Act of 1980.

The controversial charter for U.S. intelligence agencies was introduced last week (Feb. 8) by four members of the Senate Select Committee on Intelligence.

It was revealed at the same time agreement has not yet been reached with the White House on congressional access to intelligence information. As produced by the committee, the measure would require the President to give prior notice of covert intelligence operations to at least eight members of Congress, even in a national emergency. It also would require congressional access to all intelligence information. The administration has balked on these issues, however.

At the same time, in a letter to Senator Birch Bayh (D-Ind), chairman of the committee, President Carter urged the committee to move ahead on "this important legislative endeavor." The President said he is sure "we can resolve the remaining issues so as to protect the capacity of our government to act while insuring that intelligence agencies operate within the bounds of law and propriety."

The charter would try to insure top-level accountability for special operations abroad by requiring that each covert activity involving "substantial resources, risks or consequences" would be reviewed by a committee including the Secretaries of State and Defense and the Attorney General before the President can make a formal finding that the operation is important to national security.

These procedures are followed now but making them law would better guarantee accountability, it is believed.

The charter legislation was introduced by Senators Walter D. Huddleston (D-Ky), Charles Mathias, Jr. (R-Md), senior member of the subcommittee on charter and guidelines, joined by Senators Bayh and Goldwater (R-Ariz).

Senator Huddleston announced that hearings on the intelligence act will begin on Feb. 21.

Some sources said there is considerable doubt that the 123-page charter legislation can pass. Narrower legislation, designed to remove legal restraints and obligations that annoy the CIA but that would not require prior notification of covert acts or strict accountability, is regarded as having more chance of adoption.

Provisions in the proposed charter include:

- Permission for CIA spying and burglaries directed at U.S. citizens abroad who are not suspected of a crime. First, however, a special intelligence court would have to approve such action which would be directed at pursuit of counter-intelligence and counter-terrorism information.

- Permission for FBI mail opening and burglaries aimed at persons in the U.S. if the target is suspected of a crime, and if the special intelligence court approves.

- Virtual exemption of the CIA from being required to disclose information under the Freedom of Information Act.

- Reduction from eight to two of the number of committees to receive reports on clandestine activities.

- Banning of assassination and restricting concealed sponsorship of contracts with U.S. organizations.

The new charter brought immediate criticism from the American Civil Liberties Union, which said the bill would invite abuses rather than prevent them.

ST. LOUIS POST DISPATCH
13 February 1980

Permissive Intelligence Bill

Members of the Senate Intelligence Committee, after four years of discussion of charter legislation for U.S. intelligence agencies, have finally introduced a bill that satisfies neither the Carter administration nor those who wanted a charter that would guard against a repetition of intelligence abuses. The fact that both the White House and critics of the intelligence agencies are dissatisfied doesn't mean, however, that the bill being offered by Sens. Huddleston, Bayh, Mathias and Goldwater will serve as an acceptable compromise. What seems likely to emerge, given the present permissive mood of Congress, is a watered down measure that unleashes the Central Intelligence Agency to get involved in future dubious operations.

Among the more desirable provisions of the Huddleston-Mathias bill are those that would bar assassinations of foreign officials, bar hired use of U.S. journalists, clergy or educators as "covers" for intelligence agents and require that prior notice of covert operations be given to at least eight members of Congress, even in a national emergency. But the Carter administration is not even willing to accept all of these minimal restraints. The president has not agreed to the provision requiring prior notice of covert operations; and with regard to journalists, clergy and educators, Mr. Carter wants only language about the importance of maintaining the "independence" of the three professions.

On the other hand, the White House and the Senate committee have agreed on provisions that raise serious threats to civil liberties. Under the Huddleston-Mathias bill, intelligence agencies, using warrants granted in secret by a special court, could in certain cases carry out wiretaps, surveillance, burglaries and mail openings against Americans in the U.S., including some not suspected of any criminal activity, and against Americans overseas, innocent or

not. The same bill would also end public access to countless CIA and other intelligence agency documents by creating a virtually blanket exemption in the Freedom of Information Act for intelligence files. Yet the Freedom of Information Act, which has led to the exposure of many abuses, already contains an exemption to protect national security information.

Many members of Congress — including Sens. Moynihan of New York and Danforth of Missouri, who have sponsored a more permissive bill — are eager to give the intelligence agencies even freer reign than does the Huddleston-Mathias measure. The implicit rationale of the proponents of unleashing the CIA is that somehow the agency could have prevented the seizure of the U.S. embassy in Tehran or averted the Soviet invasion of Afghanistan if it had not been hobbled by undue restraints. In actuality, there is no reason whatever to believe that even a free-wheeling CIA could have done anything to stop either event.

What the advocates of unleashing the CIA really seem to have in mind is freeing the agency to engage in covert activity, which, as distinct from intelligence-gathering, means dirty tricks. Yet this kind of activity in the past has led not only to the wholesale violation of the rights of Americans but also to such disgraceful acts abroad as bribing foreign officials, plotting against democratic governments and conducting secret wars. In the absence of strict legal restraints and diligent oversight by Congress, such abuses would be far more likely to recur. The proponents of unshackling the CIA seem to have notoriously short memories. They have offered no convincing arguments to show how the national interest would be served by giving intelligence agencies greater freedom to resume activities that in the very recent past outraged Americans at home and caused the United States to be suspected and hated in many countries abroad.

SCHENECTADY GAZETTE
5 February 1980

Letting the CIA Go

Along with the military, another winner in the current crisis atmosphere now gripping Washington will be the Central Intelligence Agency. Congress and the president are determined to free the agency from some of the restrictions placed on it after the abuses that came to light in the early 1970s. The trouble is, that with a few exceptions, the limitations are needed. An unaccountable CIA, while it could arguably gather more and better intelligence, would be just what the country doesn't need.

The most frequently heard complaint is that the agency must report to some eight congressional committees and subcommittees before taking certain types of covert action. This is a little much, but it should be remembered that some of the subcommittees consist of only one or two members. Still, the number of groups involved could be reduced without serious loss of oversight capability.

Another complaint is that requests under the federal Freedom of Information Act require thousands of man-hours to process, and scare away sources who fear their identities might be revealed. But again, many of the requests have come from those who were subjects of CIA abuse earlier, and there is nothing that requires the agency to give away confidential information.

Bills have been introduced in both

houses that would make changes in these areas, without addressing the bigger question of a comprehensive CIA charter spelling out what the agency can and can't do. President Carter, who has long favored such a charter, now thinks it should broaden the number of cases in which covert activities do not have to be approved by congressional committees or the president. He also believes the charter should once again allow journalists, priests and academics to work for the CIA, as well as permit mail openings and break-ins at the homes and offices of U.S. citizens who are suspected of being foreign agents. The administration's proposed charter is scheduled to be released this week.

People in this country were justifiably shocked and embarrassed a few years back when they learned that the CIA had secretly conducted drug experiments on American citizens, toppled governments, plotted assassinations of foreign leaders, etc. Some say that will never happen again. But the changes now being discussed are a step in that direction.

While a strong CIA is important, it should continue to be accountable, and the civil liberties of our citizens should continue to be respected. Congress must not use the current crisis as an excuse, but take its time and produce a fair, sensible charter for the CIA.

CHATTANOOGA TIMES
3 February 1980

A New Charter for the CIA

In his State of the Union message, President Carter called for "quick and clear passage" of a new definition of "the legal authority and accountability of our intelligence agencies."

Neither the subject nor the need is new, but the emphatic presidential attention is to be welcomed.

"We will guarantee that abuses do not reoccur," he said, "but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence."

Mr. Carter thus touched on all phases of the intelligence tangle but without, we fear, really making it clear what needs to be done.

The "abuses" he mentions include the CIA's covert activities abroad which number far more than the relative few that became public and generated such fierce criticism. In a formal review, the Senate Select Intelligence Committee said that between 1961 and 1975, the CIA engaged in 900 major covert operations ranging from financial support of anti-communist labor movements in Europe to a "secret war" in Laos.

The committee said such operations tended to be successful — and more acceptable, it might have added — when they had been launched in support of "policies which have emerged from a national debate and the established processes of government." It warned, however, against "a temptation on the part of the executive branch to resort to covert operations to avoid bureaucratic, congressional and public debate." The committee pointed to the CIA's secret campaign in Laos and its extensive efforts against the Allende government in Chile as cases in which covert actions had been used as a "convenience."

Several key questions will be raised over how best to effect controls over covert operations through legislation.

Who should authorize them? At present, presidential approval is required for all such undertak-

ings. Mr. Carter leans toward limiting presidential involvement to operations which entail "substantial" risks, costs or consequences.

How is the CIA to report to Congress? The agency now must account to "appropriate" committees, eight in all, involving about 200 members. Mr. Carter favors reports only to the select intelligence committees of the Senate and the House which operate under special secrecy rules.

And, finally, what activities should be prohibited? A list of specifics is virtually impossible to draw up. Certainly, the agency should be barred from undertaking actions clearly incompatible with basic U.S. values. Assassination is but one example. Exceptions are possible in wartime.

In the area of protecting CIA secrets, the administration is seeking to tighten public access to agency records. Individuals would be allowed to demand their own personnel records and to seek details on "finished national intelligence products" that do not harm national security. Penalties will be sought to deter if not prevent revelation of agents' identities.

The remaining question of removing "unwarranted restraints" on our ability to collect intelligence probably will center on increased appropriations for manpower and equipment. Despite the popular supposition that our capacity to gather knowledge has been severely impaired, the greater likelihood is that any seeming lack of prescience concerning other nations' plans or preparations can be traced to errors or delays in interpreting the facts rather than failure to collect them.

Any charter defining anew the CIA's proper scope of authority will need long and thoughtful consideration. It may not be written until after the more pressing changes are enacted, but at least a start can be made this way toward creating an organization that answers the nation's needs for intelligence without impinging on our commitments to basic rights.

THE LEXINGTON DISPATCH
30 January 1980

Governing The C.I.A.

President Carter's call last Wednesday in his State of the Union address for quick passage of new intelligence laws is justified not because Iran and Afghanistan were intelligence failures. No one seriously claims that Iran was "lost" because of some post-Watergate shackle on covert C.I.A. operations or that unrestricted wiretapping of American citizens would have given earlier warning of Soviet aggression in Afghanistan. The fact is simpler: the more dangerous the world, the greater the need for information and the more pressure on intelligence agencies. Congress can now help increase the information flow without sacrificing essential reforms.

A climate of reform at home has yielded to one of crisis abroad. Thus the danger is revived that safeguards against illegitimate practices will be sacrificed in the name of national security. There is also a cost, however, to prolonged congressional study of various bills that would provide a clear legal charter for intelligence.

As Mr. Carter said, a charter should define the authority and the accountability of our intelligence agencies.

The C.I.A., despite all the bad publicity it has received, exists to preserve what we loosely call "the American way of life." The American way, as we conceive of it, is a society in which all men are free, in which all men can rise with the level of their abilities. If we had a choice, we would opt for a world in which that would be the case.

Unhappily, the world is not of our making, and it is not a world which we ordained. In the Americas there exist countries in which citizens are deprived of the rights we take for granted: in the world, notably behind the Iron Curtain, there are countries which do not permit free speech, a free press, free religious practice. Beyond the borders of Lexington, beyond the borders of these United States, evil influences are at work. In large part we are helpless to combat them.

They would, if they could, impose their enslaving way of life upon us, destroying our freedoms, our various rights.

For all its faults, and despite them, the C.I.A. exists above all to allow free men to

remain free. But a charter delineating its authority and accountability is necessary.

Accountability is not merely a check on executive power but a source of national strength. If advance notice of the two Senate and House intelligence committees would slow up a foolish or too-risky covert project, the nation could avoid monumental embarrassment or worse. Congress should continue to insist both on prior notice and on the President's personal approval of at least the most sensitive clandestine ventures. The White House, moreover, should welcome such consultation without surrender of executive authority.

Speed and care are compatible in the enactment of a charter. Congress has after all, studied the problem for years. Those who want better security and those who want to protect liberties can all be served. A good intelligence package can be delivered in 1980. There is no need to choose between too little and too late.

BOSTON HERALD-AMERICAN
28 January 1980

CIA needs a new set of teeth

The Congress will have earned its keep this session if it does nothing else but restore some teeth to the Central Intelligence Agency.

This is easier said than done, inasmuch as no two congressmen seem to agree on how much power to invest in the CIA, and how the CIA can exercise its powers without injuring the innocent. Most agree, however, that events in Iran and Afghanistan have lent a sudden urgency to the need to revitalize and restructure the nation's flabby intelligence apparatus.

The CIA's teeth were yanked

in 1974 by an instrument called the Hughes-Ryan Amendment. It required that the President approve in detail nearly all covert operations, and worse, that eight congressional committees be consulted in advance. The committees included Appropriations, Armed Services, Foreign Affairs and Intelligence in both House and Senate, and the number of people involved exceeded 200.

A House member said that presenting plans for covert operations to so many people was the equivalent of "making a formal announcement in Lafayette Park."

The Hughes-Ryan Amendment also forced the CIA to answer questions about its intelligence files, and that included foreigners as well as United States citizens.

The CIA's Deputy Director, Frank C. Carlucci, has complained that "if the KGB were to write us (for information), we would be required to respond in 10 days."

That's teeth-pulling with a reckless vengeance. The CIA may have been guilty of abuses but the way to eliminate them is not to wreck the entire intelligence structure.

26 January 1980

Returning the CIA's cloak—and dagger?

With the world's attention now riveted upon events unfolding in Afghanistan, a related incident in New Zealand last week may have escaped your attention. The New Zealand government declared the Soviet ambassador to be *persona non grata*—in effect, booting him out of the country.

The Soviet ambassador had been caught, to the satisfaction of the New Zealand government, at any rate, meddling in domestic politics. The specific accusation was that he was personally supplying funds for a socialist political group in New Zealand.

It was, in short, quite similar to the accusations of "covert operations" made against the U.S. Central Intelligence Agency only a few years ago. CIA operatives had assisted political groups in Chile, for example.

The New Zealand incident is cited to show that the CIA by no means invented this game. Both monetary and military support has been supplied by the Soviet Union to various nations and political and guerrilla groups, particularly in Asia and Africa. In Angola, Ethiopia, Somalia, South Yemen. To various groups of guerrillas in Rhodesia and Southwest Africa.

Now, following the post-Vietnam dismantling of the CIA, the United States appears ready to again license this agency to at least resume clandestine operations throughout the world.

The spotlight of publicity, the danger of exposure of the identity of native and foreign agents, will be removed as much as possible.

World events since the agency's size and scope of operations were cut back at the beginning of President Carter's term of office have demonstrated a need for reliable information worldwide. Technological marvels of satellite photography are not adequate by themselves to keep the United States posted on world events. The belated discovery this past year of Soviet combat troops stationed just off our doorstep in Cuba is an example of the dangers of relying solely on satellite surveillance.

Legislation is now being prepared to give the CIA back its cloak, to send its operatives back "into the cold." And it will be the president's responsibility to decide whether agents shall also be issued the hyphenated "and-dagger," or to resume the covert operations which he determines to be in the best interest of this nation.

The office of the presidency is where that responsibility should rest, on the shoulders of the man we choose to manage the affairs of this nation.

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SNEPP

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THE WASHINGTON POST
21 February 1980

CIA Seeking Court Action on Writers of Unauthorized Books

By George Lardner Jr.
and Michael Getler

Washington Post Staff Writers

Its censorship powers bolstered by a new Supreme Court decision, the CIA is seeking court action against the authors of other unauthorized books about its activities, sources said yesterday.

Even before the Supreme Court ruling, which was handed down Tuesday, the Justice Department had filed suit against former CIA officer Philip Agee to confiscate the profits of two controversial books he helped write, exposing the names of CIA agents in Western Europe and Africa.

Sources said the government is considering similar suits against other authors in the wake of the high court decision. CIA officials refused to comment.

"I don't want to prejudice any litigation," CIA Deputy Director Frank Carlucci told a reporter yesterday afternoon following an appearance before a House subcommittee.

In the touchstone case, involving a book by former CIA agent Frank

Snepp that admittedly contained no classified information, the Supreme Court held that the government can severely restrict the release of information bearing on national security by employees and former employees, even if no secret material is involved.

Calls for still more secrecy reverberated on Capitol Hill yesterday. In his testimony before the House government information subcommittee, Carlucci assailed the law that makes CIA files subject to public scrutiny under the Freedom of Information Act.

Meanwhile, at another hearing before a House Foreign Affairs subcommittee, Sen. Barry Goldwater (R-Ariz.), appearing as a witness, urged that journalists who publish sensitive national security information be tried for treason.

Goldwater's ire was provoked by articles in last Friday's editions of The Washington Post and last Saturday's New York Times reporting on secret U.S. arms shipments to Afghan rebels that were started last month.

"I feel it's very treasonable for any media in this country to come out

with chapter and verse about what we heard in top secret hearings just 2 1/2 weeks ago," the Arizona senator protested. "I think that has to be stopped.

... I think that's abuse of freedom of the press and I don't have any respect for publications that do that because they are tearing down the security of our nation."

Rep. Dan Quayle (R-Ind.), a former newspaper reporter, was the only subcommittee member to challenge Goldwater's testimony.

"I'm a little concerned about your proposals for sanctions against the press rather than against blabbermouth bureaucrats. ... They're the ones who are responsible," Quayle told him.

CIA Director Stansfield Turner, who testified later, maintained that the agency has no effective legislation it can use to punish, let alone find out, who the leakers are. All he can do at present, he said, is dismiss offending employees.

The Foreign Affairs subcommittee hearing had been convened to discuss the role of intelligence and foreign

policy, but it was dominated by Goldwater's denunciations. The vice chairman of the Senate Intelligence Committee, which prides itself on assumptions that it is leak-proof, Goldwater sought repeatedly to claim that "99 percent" of sensitive leaks come from the executive branch rather than Congress.

The Carter administration, however, is seeking charter legislation for the CIA that would sharply cut back the number of congressional committees that must be notified of covert activities such as the Afghan arms shipments. The administration is also unwilling to guarantee by law to share CIA secrets with the two committees that would continue to supervise the agency: the Senate and House Intelligence panels.

House Intelligence Committee Chairman Edward P. Boland (D-Mass.) suggested in his testimony yesterday afternoon that this was carrying the secrecy drive too far.

If congressional oversight of the intelligence community is to be limited to only two committees, Boland said he regards it as essential that those

two committees be entitled by law to whatever information they want.

"... (T)he right of full access, in my view, is the most important part of any legislation otherwise restricting congressional oversight," Boland said. "If we must protect secrets by new legislation, we must also guarantee that the Congress has knowledge of those secrets."

In his parallel appearance before the House government information subcommittee, Carlucci took the position that the congressional oversight now afforded by the Senate and House Intelligence Committees was more than adequate to make up for the loss of public scrutiny under the Freedom of Information Act.

Carlucci acknowledged that the Freedom of Information Act had "perhaps unfairly" come to be tagged as the source of improper disclosures. But he maintained the law still needs to be changed, primarily because the CIA has been unable to convince many of its foreign agents and other sources that they have nothing to fear from it. He called the "perception"

more important than the reality because in intelligence work, he contended, "the perception is the reality."

Forced to comply with the Freedom of Information Act in 1974 by a series of congressional amendments, the CIA is seeking a change that would put most of its operational files beyond the reach of the law and thus of the courts, which enforce it.

It could not be ascertained what books about the CIA are the likeliest targets of new lawsuits. As the result of the Supreme Court decision, Snepp will have to give up all earnings from his book, "Decent Interval," and submit all future writings for CIA screening. The government is seeking the same remedy against Agee for his books, "Dirty Work: The CIA in Western Europe," which was published in 1978, and the just-released, "Dirty Work II: the CIA in Africa."

Washington Post staff writer Laura A. Kiernan contributed to this story.

ARTICLE APPEARED
ON PAGE A10THE WASHINGTON STAR (GREEN LINE)
21 February 1980

Mr. Snepp snipped

Two years ago Mr. Frank Snepp III drew on his experiences as a CIA agent in Vietnam to publish — without prior screening — a book about the fall of Saigon called *Decent Interval*. A lingering climate of hostility to the CIA — and a lazy-minded tendency to confuse the issues — made it inevitable that his defiance of contractual obligations to the CIA would be defended as a daring, even admirable, exercise of First Amendment rights.

The U.S. Supreme Court doesn't see it that way. Its brisk and unceremonious disposition of Mr. Snepp's appeal from a conviction in the lower courts, in an unsigned opinion delivered without benefit of oral argument, is a clear sign of changing climates. The collapse of Iran and the Soviet invasion of Afghanistan have reminded those who needed reminding that there's a dangerous world out there — in which it is foolish for the U.S. to treat its intelligence needs and practices casually.

The Supreme Court recognizes and reaffirms that the CIA must be empowered to prevent its employees from bolting from the fold with their memoirs and briefcases overflowing with unscreened agency information. It also recognizes that the CIA must have effective means of penalizing disregard of its covenants with agents.

Mr. Snepp unquestionably — and apparently unashamedly — did so. When he joined the CIA in 1968, and again when he left it in 1976, he signed agreements to seek "prior approval of the agency" and "the express written consent of the Director . . . or his representative" before publishing "any information concerning intelligence or the CIA that has not been made public by CIA." The obligation was clear. Yet Mr. Snepp went right ahead and published his book without clearance. His profits are reportedly in excess of \$115,000.

None of the three courts, incidentally, has found that a contractual obligation of the kind Mr. Snepp was under may be waved aside on a pleading of First Amendment rights. The controversial point in the case was the penalty. The trial judge held that Mr. Snepp's profits, having been gained in violation of a trust, belong to the

government. That judgment was overturned by the Fourth Circuit Court of Appeals. It is now reinstated by the Supreme Court.

The three dissenters are troubled, however, by that "uninhibited . . . exercise in lawmaking." They contend that the proper recourse for the CIA was to sue for punitive damages. The Court, apparently on its own motion, rejected that argument as unrealistic, saying that "proof of (wrongful) conduct necessary to sustain an award of punitive damages might force the government to disclose some of the very confidences that Snepp promised to protect. . . . When the government cannot secure its remedy without unacceptable risks, it has no remedy at all." This may be "lawmaking" by the high court; but of the force of the sustaining argument there can be no doubt.

The Snepp case, we say again, has given rise to much confusion, not to say nonsense — primarily a confusion between a case involving the enforcement of a lawful contract (which it is) and a case involving Mr. Snepp's constitutional "right" to publish unimpeded (which is what Mr. Snepp's ingenious lawyers sought to make it). But a First Amendment defense of Mr. Snepp's behavior closely approximates what is often cited as the classic case of *chutzpah* — the case of the boy who murdered his parents and then threw himself on the mercy of the court pleading that he was an orphan. No one compelled Mr. Snepp at gunpoint to join the CIA, or to sign away his right to publish without prior clearance. But having done so, he will be expected to face the legal consequences.

No intelligence service conducted on the lax and permissive principles implicit in Mr. Snepp's defense would be other than an incontinent shambles, valueless to the nation it served. In most other countries, including Great Britain, Mr. Snepp's violation of his terms of employment in the intelligence service would have brought him more than the confiscation of his ill-got gains, possibly even imprisonment.

He is lucky, though he is out a good bit of money, to live under American law.

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NEW YORK TIMES
21 FEBRUARY 1980

WASHINGTON — Justice Felix Frankfurter once put into words a great unstated theme of American law. "The history of liberty," he said, "has largely been the history of observance of procedural safeguards."

We believe, that is, that the Government has to turn square corners. When it acts against even the most unpopular or cantankerous person, it must follow the rules meticulously — or all our liberty is at risk. And the Supreme Court is the pre-eminent symbol of that principle, enforcing it on others and on itself, giving a fair hearing to the least of men.

Those beliefs have just been dealt a shattering blow by the Supreme Court. Without argument, without briefs, in disregard of its own procedures, the Court has imposed heavy penalties on a former C.I.A. employee who published a book without agency clearance. The decision opens the way for a major increase in Government secrecy. But its worst effect may be on respect for the Court itself.

The C.I.A. man is Frank Snepp, who served in Vietnam and was pained by what he saw there in the final days — especially the abandonment of our Vietnamese friends. His book, "Decent Interval," is critical of American policy and officials.

On joining the C.I.A., Mr. Snepp had signed a standard promise not to publish anything about it without "specific prior approval." He violated that undertaking and did not submit the manuscript for security clearance. He explained that he had carefully refrained from including any classified information, and he evidently feared that agency censors would delay his book or try to suppress unclassified criticism.

The Government did not claim that the book disclosed any classified matters. But it sued Snepp anyway, claiming damages for his violation of what it called a "contract" — his promise to submit manuscripts for clearance. It

ABROAD AT HOME

A Lawless Decision

By Anthony Lewis

won in the lower courts, the Court of Appeals holding that the Government could ask a jury for punitive damages.

What happened next is hard to explain — and harder to believe. Justice John Paul Stevens, writing a dissent for himself and Justices William J. Brennan Jr. and Thurgood Marshall, said he had not been able to find anything like it in the Supreme Court's history.

Mr. Snepp's lawyers petitioned the Court to review the finding that his promise was a legally enforceable "contract." The Government urged the Court to deny the petition, saying it was satisfied with the finding and the damage remedy. But the Government also filed a "conditional cross-petition" saying that, if the case were reviewed, it would urge a different remedy.

The Supreme Court acted summarily: without a hearing, in an unsigned opinion. It upheld the finding that Snepp had violated a contract. Then it went on and substituted a different remedy. It imposed on Snepp a "constructive trust," requiring him to give everything he ever earned from his book to the Government. That is an extraordinary and drastic penalty. And Snepp's lawyers never had a chance to brief or argue the question.

Nearly everyone would agree that the C.I.A. needs to protect its secrets. But in this country's tradition the terms of such protection have to be defined by Congress, in a statute. Government officials can impose internal discipline on employees who violate the rules, but they must point to a specific law when they ask a court to punish someone. That rule is especially firm when sensitive interests such as freedom of speech are involved.

So law students have been taught — until now, at least. And so William L. Colby, the former Director of Central Intelligence, believed. He testified in 1974 that "unfortunately" there was "no statutory authority" to go to court against talkative former agents, and he was asking Congress to fill the gap.

The decision goes well beyond the C.I.A., too, and even beyond situations where there is a formal "contract." For the Supreme Court said that anyone in Government with such access to secrets, even if he had not signed a promise, could be considered to have a "fiduciary obligation" to show his agency a manuscript before publication. And the effect is not limited to books, either. An official who talks to the press could be taken to court and enjoined from further leaks.

Why did the Court reach out to make law in so extreme a way? One guess is that the six Justices in the majority were awed by the idea of intelligence secrets. They wrote a reverential footnote about the C.I.A., citing the recent book by Thomas Powers, "The Man Who Kept the Secrets." Ironically, that book includes many disclosures of classified information.

The Justices evidently also disapproved of Frank Snepp. One answer to that is that test cases for civil liberties do not always, or usually, involve agreeable fellows. Another is that moral disapproval of Mr. Snepp for breaking his promise comes ill from a Court that in this case showed contempt for the rule of law.

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ON PAGE A-22NEW YORK TIMES
21 FEBRUARY 1980

More Censorious Than the Censors

For those who want to write about their Government experiences, the rules are rich in hypocrisy and loopholes. Presidents, Secretaries of State and others at the top can play fastest and loosest with secret information acquired or used on the job — and make the maximum memoir dollar. But further down the pecking order, a former intelligence agent who wants to criticize his agency in print had better be prepared for months, even years of wrangling with the censors. Not surprisingly, they have a way of deciding that what authors see as embarrassing facts are actually national secrets.

This double standard does not justify Frank Snepp's rush in 1978 to publish a book, without the Central Intelligence Agency's approval, accusing the agency of bungling the withdrawal from Vietnam, even though he promised to submit any such writing for prior inspection. But awareness of the double standard ought to have slowed the Supreme Court's own rush to judgment about Mr. Snepp and should have tempered the wrath of the decision it rendered Tuesday. Without pausing for oral argument, and going beyond the Government's own pleadings, the Court ruled that Mr. Snepp must "disgorge the benefits of his faith-

lessness" and surrender his earnings from the book.

Although the Justice Department initially sought to confiscate Mr. Snepp's book revenues, it declared itself content with a lower court's permission to sue him for breach of his agreement to clear his writings before publication. The department's caution was appropriate, for the C.I.A. itself conceded that the book betrayed no classified information. But the Supreme Court proved more censorious than the censors. In what three dissenters aptly called judicial legislating, the majority wrote blunt new law in a field Congress has been exploring with delicate care.

We do not dispute the Government's responsibility to try to keep its secrets, nor its general right to extract an agreement of confidentiality from one who applies to work as a spy. But the terms of that agreement and the means for enforcing it are subtle and complex questions — questions that need a calibrated Congressional touch. Indeed, Congress is now moving judiciously in this area, in contrast to the injudicious haste of the Court. We don't know whether a fair law can be enacted and administered in a field so strewn with exceptions and special privileges. But the Supreme Court should have restrained itself rather than Mr. Snepp.

ARTICLE APPEARED
ON PAGE A16

THE WASHINGTON POST
21 February 1980

Censorship by Contract

IT IS NOT surprising that the Supreme Court ruled against former CIA officer Frank W. Snepp Tuesday. In failing to get clearance from the agency for his book, "Decent Interval," Mr. Snepp broke a contract he had signed when he entered the spy business. Judges don't like broken contracts, and this one, the justices said, not only was clearly enforceable but also required Mr. Snepp to forfeit to the government all the royalties his book produced.

What is surprising is that the justices seemed so overwhelmed by the claim of "national security" made in the case that they disposed of the serious issues it raised in a casual, even cavalier manner. Without listening to one word of argument, the court slapped down Mr. Snepp and then went beyond the confines of his case to give the CIA and, presumably, other national security agencies something approximating total power over the writings of former employees. They even opened up questions, which sooner or later will be explored by some eager agency head, about the right of other government agencies to limit the post-employment writings of employees.

In two footnotes, for example, the justices seemed to say the CIA didn't even need the contract with Mr. Snepp to stop him from writing about the agency after he left it. The "compelling interest" of the government in protecting national security information justifies the imposition of "reasonable restrictions on employee activities," the court said. The language

chosen by the justices is so broad that it seems to reach not only books written by CIA agents but books written by Cabinet officers and other high-level officials who have had access to "confidential sources and materials." Some readings of that language would permit the government to require writers of memoirs—Henry Kissinger, Arthur Schlesinger—to submit manuscripts for review.

The court did not rule that the government can stop a former employee—CIA or otherwise—from publishing unclassified information, which is what Mr. Snepp said he was doing. If Mr. Snepp had submitted his manuscript for review, it explained, any disputes between him and the CIA over what information should not be published would have been decided by the courts. But by failing to discuss seriously the First Amendment implications of such a review process, the court opened the possibility that review-by-contract can be imposed in almost any area of government employment. While such a review might not change the content of unclassified manuscripts, it certainly would inhibit criticism.

While we can understand the decision as it applies to Mr. Snepp—the sensitivity of the CIA's activities and the contract he signed make that situation unique—the court's general language is far too broad. The "uninhibited character" of its "exercise in lawmaking," as Justice John Paul Stevens described the decision in dissent, cries out for a congressional review of the damage that has been done.

ARTICLE APPEARED
ON PAGE A-7WASHINGTON STAR (GREEN LINE)
20 FEBRUARY 1980

Justices Back CIA Control of Agent's Writing

Snepp Must Pay U.S. All Profit From Book

By a Washington Star Staff Writer

The Supreme Court yesterday gave a sweeping endorsement of the CIA's power to control what its agents and employees write for publication. The decision split the court 6-3.

With or without its employees' agreement, the court said, the CIA has power to require advance clearance of anything that an employee decides to write for use outside the agency.

It upheld an order by U.S. District Judge Oren R. Lewis of Alexandria, requiring former agent Frank W. Snepp III to get the CIA's approval before he writes anything — secret or not — about the agency. That will

apply not only to a book he has already published, titled *Decent Interval*, but also apparently to a romantic novel he has written.

That part of Judge Lewis' order has aroused worry in the nation's publishing industry, fearing it would put strict limits on dealings with government employees who write books, articles or scripts.

While the court's ruling appeared to be aimed primarily at CIA employees, it did contain language that could apply to an employee of any agency that uses "sensitive information."

Yesterday's decision also upheld Lewis' order requiring Snepp to pay to the U.S. Treasury all of the money he has earned in the past and any he will earn in the future from his book about the agency. That order also applies to earnings if the book is made into a movie.

Agreeing with the judge that

Snepp had violated his duty not to publish without advance clearance, the court majority said the CIA's only effective remedy would be recapture of his "unjust gain."

The court rejected a conclusion of the 4th U.S. Court of Appeals that the CIA might be able to recover "punitive" damages, too, if it could prove that what Snepp had done actually had harmed the agency's interests.

Trying to prove that, the court said, might force the CIA to disclose secret information — something it would not be likely to do, even in pursuit of money damages.

The decision came in a nine-page opinion that was unsigned. The court made its ruling without even holding a hearing on the case.

Snepp's case arose after he published, without CIA clearance, his highly critical book about the U.S. withdrawal from Vietnam at the end of the war there.

EXCERPTED

— Lyle Denniston

ARTICLE APPEARED
ON PAGE 20APHILADELPHIA INQUIRER
20 FEBRUARY 1980

Court orders ex-CIA agent to turn over book profits

By Aaron Epstein
Inquirer Washington Bureau

WASHINGTON — In an opinion emphasizing the importance of secrecy to the Central Intelligence Agency, the U.S. Supreme Court ruled 6-3 yesterday that onetime CIA agent Frank W. Snepp 3d must give the agency all profits earned from his unauthorized book critical of CIA activities.

Snepp, who said he was "shocked" by the decision, estimated his profits so far at \$125,000 on his book, "Decent Interval," which has sold between 50,000 and 60,000 copies. It was published in 1977.

The court said Snepp broke an agreement with the CIA, made at the time he was employed, not to publish any information about his experiences there without clearance. He did not submit his manuscript to the agency.

The penalty for that breach of contract, the court declared in an unsigned opinion, "simply requires him to disgorge the benefits of his faithlessness."

"Since the remedy is swift and sure, it is tailored to deter those who would place sensitive information at risk."

The CIA employment agreement signed by Snepp did not specify a penalty for breaching it.

No secrets

The Snepp case is particularly controversial because the government never contended that classified information was included in "Decent Interval," and it did not deny Snepp's right to publish unclassified material.

Nevertheless, the court said, Snepp breached his trust when he failed to submit his book to the CIA for pre-publication review.

Justice John Paul Stevens, who dissented along with Justices Thurgood Marshall and William J. Brennan Jr., attacked the majority for seeming to be unaware of the implications of its decision for freedom of expression.

The court's "drastic new remedy has been fashioned to enforce a species of prior restraint on a citizen's right to criticize his government," Stevens wrote.

In so doing, Stevens added, the court had encouraged secretive government agencies to delay the publication of critical work or to persuade an author to edit material "beyond the demands of secrecy."

Snepp was employed by the CIA from 1963 until his resignation took effect in January 1976. His book criticized CIA activities in South Vietnam, where he was an agent for more than four years until the U.S. evacuation of Saigon in 1975.

In addition to being required to turn over all profits from the book itself, Snepp is under orders by a lower court to forgo any income from movie rights and to refrain from publishing any other work related to his CIA work without the agency's consent. The Supreme Court upheld all of the lower court's order.

Snepp now is completing a novel, "Convergence of Interests," about CIA activities during the Kennedy administration.

Snepp 'shocked'

Snepp said that the court ruling was a blow to his personal finances, and that he was shocked to see "the Supreme Court veering so far in the direction of the agency."

His lawyer, Mark Lynch of the American Civil Liberties Union (ACLU), accused the court of "helping the President unleash the CIA."

Lynch said he was particularly disturbed by a footnote in which the court said that even without the type of employment contract signed by Snepp, the CIA could impose "reasonable restrictions on employe activities" that would ordinarily violate the First Amendment.

"The government has a compelling interest in protecting both the secrecy of information important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service," the court declared.

Lynch said the government could use "the appearance of confidentiality" phrase to exercise broader censorship powers in the future.

The ruling reinstated the order of U.S. District Judge Oren Lewis of Alexandria, Va. The part of that order affecting Snepp's profits had been eliminated by the Fourth Circuit Court of Appeals.

For unexplained reasons, the Supreme Court issued its opinion without full briefs or oral arguments.

"That was procedurally outrageous," the ACLU's Lynch said in an interview. "It flies in the face of every concept of due process."

Justice Stevens called the procedure "unprecedented" and "inappropriate." The result, he wrote, is to unjustly enrich the government with the profits of one former employe's "legitimate activity."

EXCERPTED

ARTICLE APPEARED
ON PAGE 6THE WALL STREET JOURNAL
20 February 1980

Top Court Rules CIA Has Power to Screen Writings by Past and Current Employees

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON—The Central Intelligence Agency is entitled to screen the writings of its employees, past and present, prior to publication, the Supreme Court said.

In an unsigned opinion, the Justices ruled six to three that ex-CIA agent Frank Snepp breached his trust relationship with the intelligence agency with the 1977 publication of his book, "Decent Interval," recounting CIA activities in South Vietnam.

The Justices said the remedy available to the government was an injunction against Mr. Snepp, barring future breaches, and seizure of the author's royalties to date, estimated to be more than \$125,000.

The high court took the unusual step of granting review to the case and deciding it all in one motion instead of scheduling it for oral arguments and later issuing an opinion.

Justice John Stevens, joined by Justices William Brennan and Thurgood Marshall, disagreed with the court's decision. The seizure of Mr. Snepp's royalties, wrote Justice Stevens, is "unprecedented and drastic relief."

The Justices have obviously been sharply divided on the case. The matter has been at the court awaiting their consideration for several months and has been discussed at some of the court's secret Friday conferences.

The unsigned opinion is based on the agreement that CIA employees sign when they begin and leave work promising to refrain from publishing material about the CIA without prior approval. Mr. Snepp signed such agreements in 1963 and 1976. The agreements create a trust between the employee and the intelligence agency, the court said, and breach of the trust justifies taking Mr. Snepp's royalties. In legal terms, the court agreed with a federal district court that Mr. Snepp's royalties were placed in a "constructive trust," a trust that operates as a creation of a court to switch ownership of something, in this case the royalties.

Some critics of the CIA's position in the case said yesterday that the Supreme Court opinion appeared to be broad, creating the possibility that a trust relationship could be found to exist at the CIA and in other intelligence agencies even in the absence of express written agreements. Indeed, a footnote in the opinion says the CIA could probably have acted without a signed agreement by Mr. Snepp, who published his book without submitting it for prior approval.

In procedural terms, the high court sent the case back to the federal appeals court with instructions to reinstate the entire opinion of the U.S. district court. The appeals court had struck down the notion that the government by "constructive trust" was entitled to Mr. Snepp's royalties, but the Supreme Court ordered that view reinstated.

EXCERPTED

ARTICLE APPEARED
ON PAGE A1

THE WASHINGTON POST
20 February 1980

High Court Backs Secrecy Restraint On U.S. Workers

By Fred Barbash
Washington Post Staff Writer

The Supreme Court ruled yesterday that the government may severely restrict release of information bearing on national security by employees and former employees, even if no secret material is involved.

In an unsigned opinion with three dissents, the court sanctioned the Central Intelligence Agency's secrecy agreement, under which all agency employees promise to submit anything they ever write for prepublication screening.

The court said that even in the absence of such an agreement, the government may impose restrictions that would otherwise violate the First Amendment's free-speech guarantee.

The case decided yesterday was prompted by former CIA agent Frank Snepp, who in 1978, without CIA screening or approval, published a book about the American evacuation of Saigon. Though the book, "Decent Interval," was said not to contain any classified information, the government sought to confiscate all of Snepp's earnings from it and obtain an order against any further unscreened writings by him.

U.S. District Court Judge Oren Lewis in Alexandria gave the government all it wanted. But the Court of Appeals rejected the trust placed on Snepp's earnings as too harsh a penalty.

The Supreme Court yesterday restored the entire punishment against Snepp, including confiscation of the \$115,000 he has earned from the book.

Snepp signed a secrecy agreement that required screening of "any" information, the court said. "Snepp's breach of his explicit obligation to submit his material—classified or not—for prepublication clearance has irreparably harmed the United States government," the court said.

A punishment that does not include seizure of the earnings "may well leave the government with no reliable deterrent against similar breaches of security," the court said. "If the agent published unreviewed material in violation" of his trust, the court said, he should be required to "disgorge" the benefits of his faithlessness.

The court carried its ruling well beyond the CIA in a footnote, the only place it discussed the First Amendment. Generally, the footnote said, "the government has a compelling interest in protecting both the secrecy of information important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service."

Snepp and his American Civil Liberties Union lawyer, Mark Lynch, said they were stunned by the decision. They wondered whether it could also be applied, for example, to Henry Kissinger's recent memoirs or to other similar literary efforts by a wide variety of government employees and former employees.

Justices John Paul Stevens, William Brennan and Thurgood Marshall were equally upset in their joint dissent, written by Stevens. He said the court should not have issued such an opinion without hearing oral arguments on the case. None were heard.

The dissent called the majority's opinion an "uninhibited . . . exercise in lawmaking" that disregarded both precedents in law and the First Amendment. "The court seems unaware of the fact that its drastic new remedy has been fashioned to enforce a species of prior restraint on a citizen's right to criticize his government."

ARTICLE APPEARED
ON PAGE A-1

NEW YORK TIMES
20 FEBRUARY 1980

High Court Backs C.I.A. on Curb On Articles Its Employees Write

Special to The New York Times

WASHINGTON, Feb. 19 — The Supreme Court ruled today that an agreement requiring that employees of the Central Intelligence Agency not publish "any information" about the agency without specific prior approval is a judicially enforceable contract that applies to nonclassified as well as classified information.

The Court held that Frank W. Snepp 3d, a former C.I.A. officer who published an account of the fall of Saigon without the agency's permission, had "deliberately and surreptitiously violated his obligation" under the agreement. As a penalty, the Court said, Mr. Snepp must turn over to the Government all the earnings from the book. Three Justices dissented from the unsigned opinion.

The decision, *Snepp v. U.S.*, No. 78-1871, was a virtually complete victory for the Government, which brought a civil suit for breach of contract against Mr. Snepp two years ago.

While the Government had won the contract issue both in the trial court and

on appeal, the United States Court of Appeals for the Fourth Circuit reversed the damage award last March. The appeals court ruled that the requirement that Mr. Snepp turn over all his earnings was too drastic a remedy in the absence of any allegation that the former agent had disclosed classified information. The Government had not made such an allegation.

The appeals court also ruled that to win "punitive damages" from Mr. Snepp the Government would have to prove at a new jury trial that he had intentionally deceived C.I.A. officials into believing that he would abide by the secrecy agreement.

Such a requirement, the Court said today, deprived the Government of a "reliable deterrent" against violations of the agreement. To prove deceit, it continued, the Government might have to disclose "some of the very confidences that Snepp promised to protect."

"When the Government cannot secure its remedy without unacceptable risks," the Court said, "it has no remedy at all." A requirement that the agent turn over his earnings, the opinion continued, "simply requires him to disgorge the benefits of his faithlessness." Mr. Snepp has earned about \$125,000 from his book, "Decent Interval."

Mr. Snepp, who was represented by the American Civil Liberties Union, argued that the secrecy agreement was a prior restraint on constitutionally protected rights of free speech and was therefore unenforceable. Alternatively, he argued, the agreement gave the agency the right only to block disclosure of classified information and could not be used as the basis for penalizing disclosure of material not alleged to be classified.

Protection for the Agency

Today's opinion did not address the First Amendment argument and said that the nature of the disclosure was irrelevant. "Whether Snepp violated his trust does not depend upon whether his book actually contained classified information," the Court said, adding that the purpose of the agreement was to give the intelligence agency a "dependable prepublication review procedure" to insure that the agency, and not the individual employee, decides what information can be disclosed.

A dissenting opinion by Associate Justices John Paul Stevens, William J. Brennan Jr. and Thurgood Marshall accused the majority of granting the Government "unprecedented and drastic relief" in a manner that was "highly inappropriate and perhaps even beyond this Court's jurisdiction."

The majority decided the case without ever formally granting review or hearing arguments. The question of the remedy, as opposed to the breach of contract issue, was raised by the Government only in what it labeled as a conditional cross-petition, to be considered only if the Court decided to hear Mr. Snepp's appeal.

The dissenters also disputed the majority on the merits of the opinion. "Even if Snepp had submitted the book to the agency for prepublication review," they wrote, "the Government's censorship authority would surely have been limited to the excision of classified material. In this case, then, it would have been obliged to clear the book for publication in precisely the same form as it now stands. Thus, Snepp has not gained any profits as a result of his breach; the Government, rather than Snepp, will be unjustly enriched if he is required to disgorge profits attributable entirely to his own legitimate activity."

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7URGENT

7BY RICHARD CARELLI

7ASSOCIATED PRESS WRITER

WASHINGTON (AP) - THE FEDERAL GOVERNMENT IS ENTITLED TO ALL PROFITS MADE BY EX-CIA AGENT FRANK SNEPP ON AN UNAUTHORIZED BOOK HE PUBLISHED IN 1977; THE SUPREME COURT RULED TODAY.

BY A 6-3 VOTE; THE JUSTICES RULED THAT SNEPP BREACHED TWO CIA SECRECY AGREEMENTS WHEN HE WROTE A BOOK HIGHLY CRITICAL OF THE U.S. WITHDRAWAL FROM SOUTH VIETNAM.

THE HIGH COURT REJECTED SNEPP'S ARGUMENTS AGAINST RESTRICTIONS ON FREE SPEECH.

THE SECRECY PACTS; ONE SIGNED BY SNEPP BEFORE HE JOINED THE CIA IN 1968 AND ANOTHER SIGNED WHEN HE RESIGNED IN 1976; REQUIRED HIM TO GET PRIOR AGENCY APPROVAL FOR PUBLICATION OF ANY CIA-RELATED INFORMATION.

SNEPP DID NOT SEEK AGENCY CLEARANCE BEFORE PUBLISHING HIS BOOK; "DECENT INTERVAL."

SNEPP; WHO SERVED IN VIETNAM FOR 4 1/2 YEARS AND WAS THERE DURING THE FINAL U.S. EVACUATION IN 1975; CURRENTLY IS UNDER ORDERS FROM OTHER COURTS NOT TO PUBLISH ANY WORK RELATED TO HIS EXPERIENCE UNLESS HE FIRST SEEKS CIA PERMISSION.

HE ALSO FACES THE POSSIBILITY OF DEFENDING HIMSELF FROM A GOVERNMENT LAWSUIT SEEKING MONEY DAMAGES.

THE COURT'S 6-3 MAJORITY AGREED WITH GOVERNMENT ARGUMENTS THAT AN APPEALS COURT WAS WRONG WHEN IT ALLOWED SNEPP TO KEEP ALL PAST AND FUTURE PROFITS FROM HIS BOOK.

"THIS REMEDY IS THE NATURAL AND CUSTOMARY CONSEQUENCE OF A BREACH OF TRUST;" THE COURT SAID IN AN UNSIGNED OPINION.

THE 1968 AGREEMENT SAID; IN PART; "INASMUCH AS EMPLOYMENT BY THE GOVERNMENT IS A PRIVILEGE; NOT A RIGHT; IN CONSIDERATION OF MY EMPLOYMENT BY CIA I UNDERTAKE NOT TO PUBLISH OR PARTICIPATE IN

(over)

PUBLICATION OF ANY INFORMATION OR MATERIAL RELATING TO THE AGENCY . . . WITHOUT SPECIFIC PRIOR APPROVAL BY THE AGENCY."

THE 1976 AGREEMENT, IN PART, SAID: "I WILL NEVER DIVULGE, PUBLISH, OR REVEAL BY WRITING, WORD, CONDUCT OR OTHERWISE ANY CLASSIFIED INFORMATION, OR ANY INFORMATION CONCERNING INTELLIGENCE OR CIA THAT HAS NOT BEEN MADE PUBLIC BY CIA . . ."

THE GOVERNMENT SUED SNEPP IN 1978, CHARGING THAT HE HAD BREACHED CONTRACTUAL AND FIDUCIARY (POSITION OF TRUST) OBLIGATIONS.

U.S. DISTRICT JUDGE OREN LEWIS IN ALEXANDRIA, VA., RULED IN FAVOR OF THE GOVERNMENT ON JULY 7, 1978. HE SAID SNEPP "WILLFULLY, DELIBERATELY AND SURREPTITIOUSLY BREACHED HIS POSITION OF TRUST WITH THE CIA AND THE SECRECY AGREEMENT . . ."

LEWIS ORDERED SNEPP TO TURN OVER TO THE GOVERNMENT THE \$60,000 HE ALREADY HAD RECEIVED AND ALL FUTURE MONEY HE WAS TO RECEIVE FROM PUBLICATION OF THE BOOK.

THE 4TH U.S. CIRCUIT COURT OF APPEALS LAST MARCH 20 UPHELD PART OF LEWIS' RULING, FINDING THAT SNEPP WAS UNDER A "VALID CONTRACTUAL OBLIGATION."

THE APPEALS COURT STRUCK DOWN LEWIS' ORDER THAT SNEPP FORFEIT ALL HIS BOOK PROFITS, BUT ADDED THAT THE GOVERNMENT "IS ENTITLED AT LEAST TO NOMINAL DAMAGES FOR BREACH OF CONTRACT AND IT MAY BE ENTITLED TO COMPENSATORY AND PUNITIVE DAMAGES AS WELL."

IN SEEKING SUPREME COURT REVIEW, LAWYERS FOR SNEPP TRIED TO DRAW A DISTINCTION BETWEEN HIS CASE AND THOSE IN WHICH ATTEMPTS WERE MADE TO DISCLOSE "CLASSIFIED" INFORMATION.

THE GOVERNMENT'S LAWSUIT AGAINST SNEPP NEVER ALLEGED THAT HIS BOOK DIVULGED CLASSIFIED INFORMATION.

SNEPP'S LOWER COURT LOSSES, HIS APPEAL ALSO SAID: "MIGHT WELL ENCOURAGE OTHER DEPARTMENTS AND AGENCIES TO ADOPT THIS SECRECY DEVICE TO RESTRICT THE FLOW OF INFORMATION TO THE PUBLIC."

JUSTICES WILLIAM J. BRENNAN JR., THURGOOD MARSHALL AND JOHN PAUL STEVENS DISSENTED FROM TODAY'S DECISION.

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AFGHANISTAN

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ON PAGE 21

NEWSWEEK
25 February 1980

PERISCOPE

The Tattletale White House

Some members of Congress are annoyed at the White House—particularly at national-security adviser Zbigniew Brzezinski—over last week's news leak revealing secret CIA arms shipments to Afghan rebels. The Carter Administration has often blamed Congress for such leaks because of a law that makes the CIA brief eight Congressional committees on any covert operation. Yet The New York Times attributed the Afghan leak to Brzezinski's office—which denied responsibility, as did the White House itself.

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ON PAGE 54-56

NEWSWEEK
25 February 1980

AFGHANISTAN:

Moscow Counts Its Dead

Soviet troops were fighting as hard as ever on their Afghan front last week. If anything, Moscow was boosting its military presence—despite Jimmy Carter's threat to boycott the Olympics unless the Russians start sending their troops home this week. "This is just a drop in the bucket. They put half a million men in Czechoslovakia," warned a U.S. official, who said the Soviets were mustering two more divisions near the border. Moscow also kept up its verbal sniping. The Soviet news agency Tass criticized Carter's call for a transition period in Afghanistan overseen by either United Nations or Muslim peace-keeping officials.

The U.S. stood firm on the Olympics, and began to show some strength in the Persian Gulf area. To underscore U.S. resolve to defend the region's oil fields, Carter ordered an amphibious assault force—including an 1,800-man Marine battalion—into the Arabian Sea. Earlier, a U.S. delegation negotiated access to bases in Oman, Kenya and Somalia in return for military aid to all three countries. Details of the base agreement have yet to be worked out. But one U.S. official described it as "the beginning of a significant reversal of our strategic decline in that part of the world."

Casualties: The Soviets had more immediate problems to worry about. As a result of sniping, fighting with insurgents and set-piece battles with rebellious Afghan Army units, U.S. officials reported, the Russians were taking 500 casualties a week; one in six were said to be deaths. "The Soviets have a green force of recruits and are up against some pretty desperate characters," said a White House official. "It's no surprise they get killed walking around the bazaars." The casualties of insurgents and other Afghans

were estimated to be at least five times as high. But Soviet soldiers of Central Asian origin reportedly have begun sympathizing with their Muslim brothers in Afghanistan—and even clashing with their Russian officers.

The Soviet high command must also cope with a disintegrating Afghan Army; desertions have cut its strength from 70,000 to 40,000 in the past six weeks. Some policemen in Kabul and other major cities have deserted their posts as well, and senior Afghan provincial officials have been arrested on suspicion of collaborating with the insurgents.

Army deserters are thought to be supplying the insurgents with most of their weapons. The heaviest arms are not much use since they cannot be carried into the mountains. But rifles, grenades and other small weapons are all being turned against the Soviets. The U.S. reportedly opened another arms pipeline to Afghanistan in mid-January. The Central Intelligence Agency was said to be funneling light weapons—mostly of Soviet design—across the 1,400-mile border with Pakistan. Senior U.S. officials known to have considered such action refused to confirm the operation. A covert CIA mission in Afghanistan would be the first of its kind since the Angolan civil war ended in 1976. China and Iran were also reportedly supplying the insurgents, and Cairo revealed last week that it was training and arming Afghan rebels in Egypt.

Insurgency: Despite all the help Afghanistan is getting from its friends, the arms influx has not been enough to put the Soviets on the defensive. U.S. analysts say the question now is whether Moscow can keep control of the cities and quell insurgency in the mountains. They predict that 100,000 troops is not enough to do both. The better weather expected within six weeks or so will favor Soviet troops. Even with clear skies, Moscow may find its troops in Afghanistan embroiled in a war they will not lose, yet cannot totally win.

MELINDA LIU with FRED COLEMAN, ELEANOR CLIFT and THOMAS M. DeFRANK in Washington

ARTICLE APPEARED
ON PAGE 2THE BALTIMORE SUN
20 February 1980

Intelligence analysts report Soviet faces growing woes in Afghanistan

By CHARLES W. CORDDRY
Washington Bureau of The Sun

Washington—The Soviet position in Afghanistan was described in intelligence quarters here yesterday as continuing to deteriorate, with open defiance of invading troops in the towns and demands that the Moscow-installed government be changed.

While the Carter administration reiterated its intention to boycott the Moscow Olympic Games if Soviet troops are not withdrawn by today, all the signs continued to be that Russia would have to expand its forces to have any hope of prevailing.

Some key analysts here have contended reverses encountered in the invasion thus far could force the Soviet Union to double the troop strength now in Afghanistan. That strength is officially placed at 80,000 to 90,000 men, but the figure is now believed somewhat exaggerated, unless it is meant to include thousands of troops in base areas just north of the Afghan border.

There have been no signs of any withdrawals, despite Soviet hints earlier on that some might occur.

Reciting the troubles being confronted

throughout the country, intelligence sources said some Afghan leaders—otherwise unidentified—are urging the Soviet authorities to oust President Babrak Karmal and permit the establishment of an Islamic state.

Mr. Karmal, then outside Afghanistan, was made president by the Russians and brought into Kabul, with the overthrow of the Marxist Hafizullah Amin regime in December. Top government sources here, noting Mr. Karmal's protracted absence from public view, say his days appear to be numbered.

Some reports indicate that Moscow already has decided to replace him, but hardly with an Islamic regime that could end up infecting the large population of dissident Muslims across the borders in the Soviet Union.

More likely, intelligence analysts believe, is that Moscow will try to take even more of an open and active role in running Afghanistan than it does at this point behind the Karmal facade.

The Soviet Union's position has deteriorated so much that they cannot save it with present methods, analysts said.

They said there is open defiance of

Soviet military authority in the cities taken over in the invasion.

Weapons for anti-government forces were said to be arriving by truckloads in districts around Kabul. Police in the capital were quoted as conceding a breakdown in law and order as fire departments went on strike in some towns.

The Afghan army, through which the Soviet Union had hoped to work, reportedly continues to deteriorate and defect.

Shopkeepers were said to be raising prices for occupying troops, a probable cause of reported Soviet looting. There were reports of student demonstrations in Herat and Kandahar, with portraits of Iran's Ayatollah Ruhollah Khomeini in evidence.

The conclusion of analysts is that the Soviets can make no significant withdrawals in present circumstances but must consider expansion.

With better weather in the spring, it was said, the Russians should be able to make more effective use of their large forces and reduce the areas of insurgency. They may make the insurgency "militarily tolerable," as they consolidate in the towns, but they will not be able to end it, one specialist concluded.

ARTICLE APPEARED
ON PAGE A-10NEW YORK TIMES
17 FEBRUARY 1980

Soviet Press Plays Up U.S. Reports on Help For the Afghan Rebels

By CRAIG R. WHITNEY*Special to The New York Times*

MOSCOW, Feb. 16 — The Soviet press gave prominent display today to American newspaper reports confirming the Soviet contention that the United States was supplying arms to the Afghan rebels.

The Soviet Union has said that it intervened militarily in Afghanistan on the ground that the insurgency against the Marxist Government in Kabul was being supported by the United States and China through rebel bases in Pakistan.

At the time of the Soviet intervention in Afghanistan, in late December, diplomats here said the allegation of previous American-Chinese interference would become a self-fulfilling prophecy. The reports today quoted American newspapers as having said that arms shipments began in mid-January in a covert operation by the Central Intelligence Agency.

The New York Times, in a report today from Washington, attributed the information about the operation to an unidentified senior official of the National Security Council staff.

Tass, the Soviet press agency, which quoted the American reports, said: "It is even more obvious that all statements by Washington officials expressing 'concern' and 'protest' in connection with aid given by the U.S.S.R. to Afghanistan's legitimate government are designed to serve as a smokescreen to cover the crude U.S. interference in Afghanistan's internal affairs."

Early Withdrawal Now Doubted

The Soviet leaders have said that troops will be withdrawn when the reason for their presence no longer exists.

Yuri V. Andropov, the State Security Committee chief and a member of the Politburo, said in a speech on Monday:

"The shameless fuss around the counterrevolutionary rabble collected in Pakistan's territory to make raids on Afghan towns and villages shows no desire to seek genuine normalization of the situation in Afghanistan. Not a single statement from Washington and Peking is heard about an end to the broad interference in the internal affairs in Afghanistan. On the contrary, that interference is assuming an increasingly wide scope."

Western diplomats believe the Russians are nowhere near ready to begin even a token withdrawal from Afghanistan, despite hints to the contrary from Soviet quarters at the United Nations.

The reports of the C.I.A. operation will probably now be used to justify the continued presence of Soviet forces in Afghanistan. Moscow has given no numbers for what it calls a limited contingent. Western estimates put it at around 90,000.

There are rumors here about heavy casualties suffered by Central Asian troops who went in with the initial Soviet force in December, and about restiveness in Moscow neighborhoods whose sons are said to have fallen in the fighting.

In one incident, a gathering of friends and relatives who received an urn containing the cremated ashes of a soldier is said to have become so unruly that the police were called to restore calm.

The stories may be apocryphal, but relatives of soldiers serving in Afghanistan are said to have been denied the possibility of corresponding with them.

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THE WASHINGTON POST
16 February 1980

Afghan Soldiers and Guerrillas Beset Soviet, U.S. Hears

By Don Oberdorfer
Washington Post Staff Writer

Nearly two months after invading Afghanistan, Soviet military forces are bogged down in growing conflict with rebellious Afghan army units as well as increasingly well armed guerrilla bands, according to U.S. official reports from the area.

As portrayed by American analysts, the Russians have had to contend with just about every kind of setback possible, political as well as military, in the initial phase of the Afghanistan venture. Yet the same officials expressed no doubt that in the end the Russians will prevail over all the resistance.

The Soviet high command, described by the U.S. sources as dissatisfied with the campaign to date, is said to have replaced some of the senior Russian field commanders. Important Afghan leaders also have been removed, including the province chief, police chief and army division commander of troubled Jalalabad, situated between Kabul, the capital, and the porous Pakistan border.

In view of the deepening struggle, which is estimated to have cost the Russian military about 600 dead and 2,400 wounded in the past six weeks, the Soviets must decide whether they will increase substantially their force of 90,000 to 100,000 troops, the sources said. There is no sign at present of the kind of large-scale mobilization within Russia that would presage a major escalation, according to officials here.

Analysts with access to the full range of reports from around the

world appear now to be discounting intelligence reports two weeks ago of unusual troop movements and mobilization in the Transcaucasian region of the Soviet Union near its border with Iran. These activities, which caused grave concern among high officials, are now described as a "field training exercise" on a normal schedule.

Given the growing difficulty of taming Afghanistan, it appears unlikely that the embattled Russian expeditionary force poses much of a threat in the short run to either of Afghanistan's neighbors, Iran or Pakistan.

It also seems less likely than even a week ago, as viewed by officials, that the Russians will be able to afford even a "cosmetic" withdrawal of forces from Afghanistan as a bid to reverse the tide of international concern about their action. Soviet officials have hinted at such a limited pullout in recent weeks.

Despite the dim prospects for a Soviet withdrawal of any kind, State Department sources said the United States has begun preliminary talks with several countries about setting up an international peacekeeping force to replace the Russians in Afghanistan. President Carter mentioned such an idea in his news conference Wednesday.

The Russian troubles in the harsh winter climate of Afghanistan, according to analysts here, include:

- A crumbling and rebellious Afghan army, shrunken from about 70,000 men before the Soviet invasion to an estimated 40,000 or less. Far from the partner the Russians hoped for, the disintegrating Afghan military is

seen here as an increasingly difficult Soviet foe.

Elements of the Afghanistan division centered near Nahrin in a mountainous area north of Kabul are reported to pose the most serious problems, waging a series of pitched battles with the Russians from early January to early this week. The Russians are reported to have employed heavy air strikes, helicopter gunships and ground forces in attempts to vanquish rebellious troops.

- Increasingly active guerrilla forces, mostly tribal, which are said to have received an unexpected windfall of small arms and even heavy weapons from defecting Afghan regulars.

Official spokesmen at the White House, State Department and Central Intelligence Agency refused to comment on a Washington Post report that the United States has been covertly supplying Soviet-made small arms and antitank weapons to the Afghan insurgents since the Russian invasion. But there was every indication that, whatever the source, the guerrillas are increasingly well armed.

- On the political scene, the continuing ineffectiveness of Afghan President Babrak Karmal, who was installed after the previous communist leader, Hafizollah Amin, was killed at the start of the Soviet invasion Dec. 27.

U.S. analysts said information from the field has substantiated press reports of a new shootout involving some of the Afghan political leadership at the People's Palace in Kabul early in February. The Russians are believed to be still looking for a new leader to replace Karmal, who is rarely seen in public.

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NEW YORK TIMES
16 FEBRUARY 1980

U.S. Supplying Afghan Insurgents With Arms in a Covert Operation

By **DAVID BINDER**

Special to The New York Times

WASHINGTON, Feb. 15 — The United States began an operation to supply light infantry weapons to Afghan insurgent groups in mid-January, White House officials said today.

The decision to funnel arms to rebel forces resisting Soviet troops in Afghanistan was made by the Special Coordination Committee of the National Security Council, which is chaired by Zbigniew Brzezinski, President Carter's national

security adviser. It was subsequently approved by the President, a senior official of the council said.

The Central Intelligence Agency was assigned to carry out the covert mission, its first of this nature and magnitude since the Angolan civil war ended in 1976.

The arms being sent to Afghan insurgent groups are largely of Soviet design, including Kalashnikov AK-47 automatic rifles, according to the officials, who declined to specify whether the weapons were manufactured in the Soviet bloc or in China. Nor would they confirm reports that some of the arms might have come from stocks of Soviet weapons acquired by Egypt.

Arms Shipped Through Pakistan

The weapons are being shipped to the Afghan insurgents through Pakistan, which shares a long frontier with Afghanistan through rough and lightly populated terrain.

On Wednesday the Egyptian Ministry of Defense announced that it had begun a military training program for Afghans opposed to the Soviet military intervention in their homeland and that Egypt would send them back with weapons. Previously Western military officials had indicated that China and Iran had shipped limited amounts of weapons to the insurgents.

The Soviet Union has accused China and the United States of aiding the anti-

Communist forces in Afghanistan ever since uprisings began against a Marxist Government that was installed by a coup in April 1978. Moscow began to criticize Egypt for involvement in the situation at about the time that the Soviet forces intervened in Afghanistan on Dec. 27.

Rumors that a C.I.A. covert operation had begun to help supply Afghan insurgents started circulating in Washington in the second week of January.

Disclosure of the secret supply program comes at a time when Government specialists on Afghan affairs say that the pace of fighting between insurgents and Soviet forces accelerated over the last two weeks.

The specialists said today that in their estimates the Soviet forces had incurred about 3,000 casualties since the intervention.

The American analysts added that Afghan insurgents and regular Afghan Army units that had gone over to the insurgent side had probably suffered twice or three times the number of casualties incurred by the Russians. They put the Soviet casualty rate at about 500 a week, of whom they said about one in six had probably been killed.

During the Vietnam War, by comparison, in the last week of September 1968 there were 970 American casualties, at a time when the fighting was intensifying.

The bulk of the fighting has taken place in the north and northeast of Afghanistan, the analysts said, with pitched battles being fought for control of the town of Narin, in the north, since Jan. 8. Narin is strategically located astride a major supply route running between the Soviet frontier and Kabul, they remarked, and was also the home base of the Afghan Army's 19th Division.

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SOVIET MISSILE TEST

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CHRISTIAN SCIENCE MONITOR

19 February 1980

Recent Soviet missile test raises SALT II questions

By John K. Cooley
Staff correspondent of
The Christian Science Monitor

Washington

The Soviet Union's recent test of a new strategic missile raises important questions about the delayed SALT II treaty, and about whether SALT's delay means a heightened US-Soviet arms race.

Carter administration experts admit they are unable to read with certainty the partially encoded data from the test firing, late last month, of a new submarine-type ballistic missile from a Soviet missile testing site on land.

The US State Department has wished to avoid aggravating further the Soviet-US tensions arising from the Afghanistan situation by charging that the encoding violated SALT II's prescriptions against encrypting or otherwise "deliberately" hiding essential missile data.

"We are monitoring the situation closely," said a State Department official after disclosure of the previously classified fact that the test took place, "to assess whether there has been any violation of the terms of the SALT II treaty.

"At present, we have no basis for concluding that there has been any such violation."

The missile test failed somewhere over the northern USSR. If it had reached its target (presumably in northwestern Siberia's Kamchatka Province), the telemetry or electronic emissions, and other data on impact, would have enabled the US to determine whether the encrypting was of the "deliberate" kind that SALT II treaty forbids, administration analysts say.

Though SALT II is still delayed — perhaps indefinitely — in ratification by the US Senate following the Afghanistan invasion, President

Carter and Defense Secretary Harold Brown have said the United States and the Soviet Union will both urgently need the treaty to cap the strategic missile race. They have said they hope it will be tacitly observed, even though unratified.

What data has become publicly known from the late-January Russian test discloses that the new Soviet missile, like US submarine-launched missiles, uses solid fuel, rather than less reliable liquid propellant used up to now in Soviet submarine-launched ballistic missiles (SLBMs).

Intelligence analysts say they believe the newest missile is intended for a new generation of nuclear-powered, missile-firing submarine called the Typhoon, a larger version of the Soviet Delta-class strategic submarine which carries 16 missiles.

It could be a multiple warhead (MIRV) follow-on to the Russian SSB-18, which has a 4,700-mile range, enabling it to hit continental US targets from such remote Soviet submarine refuges as the Sea of Okhotsk in the Arctic north. Each SSN-18 has three separate warheads.

The US has at present about 41 operational nuclear-powered missile submarines, about half of which are on station and ready to fire at any given time. Each carries 16 missiles. The Soviets operate about 90 ballistic missile submarines, including about 16 of the 1960 vintage "Golf" class diesel-powered craft carrying 180-mile-range missiles; seven "Hotel" class which are similar to Golf but nuclear powered; about 30 "Yankee" class, each with 16 1,800-mile-range missiles.

The SALT II agreement places no limits on development of new SLBMs or submarine-launched cruise missiles.

ARTICLE APPEARED
ON PAGE A-11WASHINGTON STAR
17 FEBRUARY 1980

Soviet Arms Test Did Not Violate SALT, U.S. Says

By Henry S. Bradsher
Washington Star Staff Writer

Wary of political controversy, the State Department said yesterday that a recent Soviet missile test had not violated terms of the signed but unratified new strategic arms limitation treaty, SALT I.

Several branches of the administration conferred during the morning before a carefully worded series of answers to questions about the test was made available to inquiring reporters. The answers concluded that "we do not believe at this time" that Moscow has broken SALT terms, and the United States would not make that charge.

But the case was similar enough to problems which arose under the 1972 SALT I treaty that it raised the possibility of another controversy over suspicions of Soviet cheating on treaty terms.

U.S. technical intelligence resources, primarily long-distance radar, detected the missile test in late January. Officials here said a new solid fuel missile designed for launching from submarines was fired from a test range in Soviet Central Asia to a point in the northeastern Soviet Union.

The radio signals sent from the missile to give Soviet experts on the ground reports about its performance were coded. Known as "telemetry incryption" in arms control circles, this coding has been the subject of past negotiations.

It interferes with the ability of the United States, which picks up the radio signals from Soviet tests, to make sure that the Kremlin is complying with SALT treaty limits on missile size and number of warheads. Therefore, the United States sought to restrict it in SALT II, which was signed last June.

The State Department said yesterday that the treaty does not keep the Soviets from concealing information by telemetry incryption unless that concealment impedes the U.S. ability to know if the Soviets are observing treaty limitations, like size and warhead numbers.

But U.S. intelligence was able to tell how large the new missile was and how many warheads it carried from other means than reading its radio reports, the department's answers implied without directly saying so. It referred to "observing the pattern of flight test activity."

Despite this official position, the resumption of incryption at a time of deteriorating relations caused by the Soviet invasion of Afghanistan was expected by many officials to raise new questions about compliance with SALT II. The administration has said it will observe the treaty terms, even though it is not now seeking Senate ratification, and it expects Moscow to observe them also.

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NEW YORK TIMES
16 FEBRUARY 1980

U.S. Reports Russians Coded the Radio Data In Test of New Missile

WASHINGTON, Feb. 15 (AP) — The Soviet Union has tested a new submarine missile that radioed its performance data to monitors in code, preventing United States intercept experts from fully checking the performance, Administration officials said today.

The pending strategic arms treaty, signed but not yet ratified, bars the encoding of missile test telemetry or otherwise "deliberately" concealing vital data on missile developments.

Although that treaty is still before the Senate, Administration officials said the United States had made it clear to the Soviet Union that it expected the Russians to abide by its anticoncealment terms pending ratification.

The new test, which was kept secret for several weeks, could reopen an argument over whether the new treaty limiting strategic nuclear weapons can be satisfactorily verified to prevent cheating and whether the Russians will attempt to evade its provisions.

Opponents of the treaty have attacked the pact, in part, on verification grounds.

According to Administration sources who asked not to be identified, the new missile tested in late January was clearly intended to be fired from submarines.

Apparently with the aid of surveillance satellites and other devices, Americans were able to determine that the missile, which landed in a remote area in the north of the Soviet Union, had the ability to carry larger nuclear warheads than present submarine-launched Soviet missiles and was powered by solid fuel instead of the more corrosive and less reliable liquid fuel previously used in such weapons.

But it appears that the encrypting, or encoding, of the radio telemetry prevented experts from gauging the all-important accuracy of the new weapon.

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MISCELLANEOUS

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THE WASHINGTON POST
16 February 1980

CIA Veterans Upset by Use Of Chief in Ad.

Three former top-ranking CIA officials said yesterday they were upset by President Carter's use of CIA Director Stansfield Turner in a campaign television commercial.

The ad, used in New England where Carter is battling Sen. Edward Kennedy for the Democratic presidential nomination, pictures Turner and Deputy Secretary of State Warren Christopher talking with the president.

Neither Turner nor Christopher makes any partisan political statements in the ad, but nevertheless the commercial was objected to by Lawrence R. Houston and John S. Warner Sr., both former general counsels to the CIA, and Walter Pforzheimer, a former legislative counsel.

"It is demeaning to the American people, who have every reason to expect that the CIA's director is not enmeshed in partisan political activity. It is fervently to be hoped that this incredible occurrence will not be repeated," they said in a letter to The Washington Star.

Gerald Rafshoon Advertising Inc., which handles Carter's commercials, said the ad was excerpted from a larger 30-minute film used by the campaign.

"It's a meeting and [Turner and Christopher] are talking and the president asked a question to Christopher and then to Turner," the firm said. "They say nothing about the president. They are talking to the president about a problem."



STANSFIELD TURNER.
... They say nothing ...

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THE BOSTON GLOBE
20 February 1980

US/WORLD NEWS IN BRIEF

CIA spied on Dr. King

WASHINGTON — The Central Intelligence Agency spied on Dr. Martin Luther King in the 1960s through informants, gathered records of King's telephone calls and photocopied some of his credit-card receipts and messages scrawled on business cards, according to documents in a federal lawsuit. The documents, disclosed and obtain by the Los Angeles Times, contain discussions of how allegedly derogatory information about King could be used to discredit him as a civil rights leader. One CIA informant suggested that King be "removed" as a black leader.

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THE WASHINGTON POST
21 February 1980

Supreme Court Backs Union Seniority Plan In Job Bias Challenge

By Fred Barbash
Washington Post Staff Writer

The Supreme Court yesterday provided further insulation for union seniority systems against job discrimination claims.

The case stemmed from a two-tiered employment policy in the California brewing industry which, it was alleged, permanently prevented blacks from achieving full job security.

Under the system, only workers employed 45 weeks during a year can obtain the special privileges of full seniority. But full seniority is necessary in order to ever get that much work—45 weeks—since the workers are called in in order of seniority.

In a plurality opinion joined by only four justices, the Supreme Court determined yesterday that the California brewing industry system was a legitimate seniority system exempt by law from the Civil Rights Act.

It overturned a lower court decision to the contrary.

The Supreme Court had already gone on record in support of the seniority exemption written into the civil rights law. The question before it in this case was what is a bona fide seniority system.

Justice Potter Stewart wrote that the California system "does not depart significantly from commonly accepted concepts of seniority" since it does not set up an "educational standard, an aptitude or physical test or a standard that gives effect to subjectivity." It focuses, he said, "on the length of employment" and is therefore exempt from civil rights legislation.

Stewart was joined by Chief Justice Warren Burger and Justices Byron White and William Rehnquist. Justices Lewis Powell and John Paul Stevens did not participate for undisclosed reasons, and Justice Thurgood Marshall, with Justices William Brennan and Harry Blackmun, wrote a dissent. The California system, Marshall said, has "no relation to principles of seniority." A law "designed to remedy the national disgrace of discrimination in employment should be interpreted generously to comport with its primary purpose," Marshall wrote.

In other decisions yesterday, the court upheld a New York program of financial aid to nonpublic and parochial schools which helps the private institutions meet the costs of obeying certain state education requirements.

Money is provided, for example, for state-mandated pupil testing and reporting requirements under the New York law. The court said yesterday that the program meets its constitutionality test by having a secular purpose that neither "advances nor inhibits religion."

Justice Byron White delivered the opinion in Committee for Public Education and Religious Liberty vs. Reagan and was joined by Chief Justice Burger, and Justices Stewart, Powell and Rehnquist. Justices Blackmun, Brennan, Marshall and Stevens dissented.

It ruled that suits against individual federal government officials must be filed in courts geographically convenient to where the defendant lives or where the alleged offense occurred.

The case involved Vietnam-era suits by antiwar activists against former CIA director William Colby in connection with CIA mail openings and against federal prosecutors and FBI agents in connection with a grand jury investigation there.

In both instances, the suits were brought far from the residences of the officials and from the place where the offenses allegedly occurred.

The court said under the law that this could only be done if the suit were against the U.S. government, which can be sued anywhere in the country.

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NEW YORK TIMES
21 FEBRUARY 1980

A SOLICITATION CURB AT HOMES IS VOIDED

Justices Upset Ordinance Barring
Fund Appeals Without Proof
That Charities Get 75%

Special to The New York Times

WASHINGTON, Feb. 20 — The Supreme Court declared unconstitutional today a Chicago suburb's local ordinance barring door-to-door solicitations by charities that cannot prove that at least 75 percent of the money they collect goes directly for charitable purposes.

The Court ruled, 8 to 1, that the ordinance, enacted in 1974 by the Village of Schaumburg, Ill., was an unconstitutionally broad restriction on the free-speech rights of the charities.

Writing for the majority, Associate Justice Byron R. White said, "Charitable appeals for funds, on the street or door to door, involve a variety of speech interests — communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes — that are within the protection of the First Amendment."

Therefore, he said, a government can constitutionally regulate such activity only by narrowly drawn regulations that serve a "sufficiently strong, subordinating interest" that the local government is "entitled to protect."

Village Argument Rejected

The Schaumburg regulation, Justice White concluded, was neither narrowly drawn nor adequately justified by the village's argument that it needed to protect its citizens from fraudulent or intrusive solicitation.

Justice White said the village could have dealt directly with potential fraud by requiring charities to disclose their finances. Referring to the village's other justifications, he said, "There is no indication that organizations devoting more than one-quarter of their funds to salaries and administrative expenses are any more likely to employ solicitors who would be a threat to public safety than are other charitable organizations. Householders are equally disturbed by solicitation on behalf of organizations satisfying the 75 percent requirement as they are by solicitation on behalf of other organizations."

The case, *Village of Schaumburg v. Citizens for a Better Environment*, No. 78-1335, was brought by an environmental group that could not meet the 75 percent requirement. Both the Federal District Court and the Court of Appeals for the Seventh Circuit, in Chicago, agreed that the ordinance violated the First Amendment.

Supporting Briefs Filed

The case attracted attention from many of the nation's largest charities, including the American Red Cross and the American Heart Association, as well as from less well established groups that argued in briefs as friends of the court that lesser-known or controversial organizations frequently have to spend more than 25 percent of their receipts on fund raising. A half dozen briefs were filed urging the Justices to affirm the lower courts.

According to some of the briefs, ordinances such as Schaumburg's are fairly widespread, but no precise figures were given.

The only member of the Court to dissent from today's ruling was Associate Justice William H. Rehnquist, who said the majority opinion "relegates any local government interested in regulating door-to-door activities to the role of Sisyphus." He said the Court gave "absolutely no guidance" on how to identify a legitimate charity.

Suits Against Federal Officials

In other action today, the Court ruled that damage suits brought against Federal officials in their individual capacities can be filed only in the Federal district where the official lives or where the alleged damage occurred. In a single opinion covering two related cases, *Stafford v. Briggs*, No. 77-1548, and *Colby v. Driver*, No. 78-303, the Court reversed Federal appeals court rulings that had allowed such suits to be brought in any district where any one of a group of Federal dependants lived.

A 1962 Federal law, the Mandamus and Venue Act, allows a "civil action" against a Federal official to be brought "in any judicial district in which a defendant in the action resides." The opinion by Chief Justice Warren E. Burger held that the law does not apply to suits "for money damages which must be paid out of the pocket of the private individual who happens to be — or formerly was — employed by the Federal Government."

The Colby case is a lawsuit against 25 current or former top-ranking officials of the Central Intelligence Agency brought by individuals whose mail to and from the Soviet Union was intercepted and opened without warrants. The Stafford case is a lawsuit by members of the Vietnam Veterans Against the War who charged former Government prosecutors with violating their constitutional rights during a trial in Gainesville, Fla.

Today's opinion does not affect the outcome of the suits, which can now be transferred to the appropriate courts.

Associate Justices Rehnquist, Harry A. Blackmun, Lewis F. Powell Jr. and John Paul Stevens joined the Chief Justice. Associate Justices Potter Stewart and William H. Brennan Jr. filed a dissent. Justice White and Associate Justice Thurgood Marshall did not participate in the case.

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THE WASHINGTON POST
20 February 1980

Brzezinski Picks Alfred Friendly Jr.

Alfred Friendly Jr., a former correspondent for The New York Times and Newsweek magazine who is now on the staff of the Senate Foreign Relations Committee, has been named press spokesman for White House national security affairs adviser Zbigniew Brzezinski, according to informed sources.

Friendly, whose father is a former managing editor of The Washington Post, was a correspondent in Europe for The Times and a Moscow correspondent for Newsweek. He has also served on the staff of Sen. Edmund S. Muskie (D-Maine).

Friendly will replace Jerrold Schecter, who has said he is "considering several offers in the private sector."

THE GUARDIAN
1 February 1980

After Iran: CIA champs at congressional bit

From Alex Brummer
in Washington

AMID the excitement this week about the escape of six American diplomats from Iran, scant attention has been paid to the role of the Central Intelligence Agency in the affair.

While it was the Canadians who provided the six Americans with shelter and passports, it was, apparently, the CIA, using their traditional forging skills, which produced the fake Iranian visas which were necessary to get the six out of Tehran.

The fall of the Shah, the hostage seizure in Iran, and the Russian move into Afghanistan, have made it fashionable to believe that America's intelligence agencies are no longer working effectively. A recent opinion survey showed that 73 per cent of Americans felt that the CIA should be freed from restraints imposed on it since the purge after President Nixon.

President Carter, in his State of the Union message to Congress last week, urged the removal of "unwarranted restraints on our ability to collect intelligence." He added: "An effective intelligence capability is vital to our nation's security."

The assumption of the President and those people now urging a boost for America's intelligence service, is that had they been free of congressional scrutiny, the disasters which befell Iran and Afghanistan could have been avoided.

There is no evidence to suggest that the tight controls on the CIA adversely affected US interests in Iran. It faced three specific problems in its operations in the later years of the Shah's rule which are more to do with the mistakes of US

foreign policy, than intelligence gathering.

The perception of US foreign policymakers was that the Shah was good for America so that any attempt by intelligence agencies to counter that view would be largely ignored. American leaders felt that the quiet chats with the Shah in the oval office and in his palace were a more valuable insight into what was going on in the country than what the CIA might tell them. Finally, because the US was so concerned until the dying moments of his regime to keep the Shah in power, information about the Ayatollah or other potential political leaders, seemed irrelevant.

There is some evidence to suggest that the CIA's intelligence gathering in Iran had been successful. It seems there was plenty of good information at the State Department suggesting that the Tehran embassy might be in trouble, should the Shah be brought to the US: this was ignored.

In Afghanistan, even though the country was effectively under Russian control, intelligence before the Christmas invasion was remarkably good. In March, 1979, when the US Ambassador, Mr. Adolf Dubs, was assassinated in the US embassy in Kabul, American intelligence sources quickly established that Russian military advisers may have played a role in the affair.

Observers here believe that the President's move to give the CIA more freedom is an excuse to get "covert" work under way—without accountability. Essentially, covert actions are possible at present, but the CIA would have to confide in several congressional committees—or at least to their chairman—before carrying them out.

It is thought that the CIA would like to be more active in those areas where Soviet

expansionism is a risk: or at least roll back some of the Russian activity. It has long wanted to help financially, and militarily, the pro-Western political forces of Dr Jonas Savimbi, the Unita leader in Angola.

In Afghanistan, presumably there is a desire (to use Ronald Reagan's maligned words) to funnel weapons and assistance to Afghan rebels in Pakistani refugee camps. But to do so, the intelligence hawks say, would mean informing the eight proverbial congressional committees—who might leak the information.

Another area where the CIA is reported to be gnashing at the leash is in the Caribbean. There is growing concern about pro-Cuban influence in Jamaica and Grenada—which was the only country outside the Soviet block to vote in the United Nations against the motion condemning the Russian invasion of Afghanistan.

The idea that the CIA wants to have another go at assassinating the Jamaican Prime Minister, Mr. Manley, as some dubious stories in the past suggested, is far-fetched: the lessons of the Bay of Pigs have, by most accounts, been learnt. But the agency would, no doubt, like to nobble the odd newspaper editor and politician, so they at least see things more the Western way.

The CIA could possibly do all these things, whether they are desirable or not, even under the present strict regime, as long as a sound national security case could be made for them. A hint, for example, of a pro-Soviet takeover in Grenada would be enough for that. But the past has shown, as Chile illustrates, that an uncontrolled agency is dangerous—and constraint is necessary.

A19

THE WASHINGTON POST
20 February 1980*Jack Maury*

Covert Action Should Be Covert

I don't know how much, if any, truth there is in recent press reports that we are covertly supplying weapons to the Afghan rebels via Pakistan. Nor do I know where the reports originated. But I do know that such reports, true or false, can seriously disturb our friends and provide grist for the mill of our enemies.

I have also learned, on the basis of 40 years of involvement in intelligence and defense matters, that the chance of a leak of sensitive information increases not arithmetically but geometrically with the number of people who know about it. If the number of knowledgeable people increases tenfold, the likelihood of a leak increases a hundredfold. Thus the old issue of how much government secrecy is compatible with a free society is one of the perennial dilemmas of democracy.

This question has rarely been more relevant than today. Since Vietnam and Watergate, we have been treated to a steady flow of sermons on the evils of governmental secrecy; we have been told that most of it is unnecessary and much of it has been invoked solely to cover up misfeasance and mischief. The whistle-blower has become a folk hero. The disgruntled intelligence officer who, in violation of solemn secrecy oaths, exposes colleagues to grave personal danger or discloses sensitive operational information is an instant celebrity. And the principle of free disclosure of previously classified information has been enshrined in the Freedom of Information Act, which requires the review and release of such information unless the likely damage resulting from its release can be demonstrated.

Among the results have been costly administrative burdens on the agencies thus required to review masses of classified files and endless inquiries and litigation initiated by those, including agents of hostile governments, who are openly committed to the exposure and disruption of our intelligence operations.

Especially troublesome with regard to covert action operations of the type reportedly under way in Afghanistan has been the so-called Hughes-Ryan Amendment of 1974, requiring that "a description and scope of such operations" be reported to several committees of Congress "in a timely fashion." In practice, this has meant that some 200 congressional members and staffers are privy to such operations and can thwart or frustrate any one of them at any time, whether by a deliberate leak or an innocent indiscretion.

The writer, a CIA veteran and former assistant secretary of defense, is now with the Georgetown University School of Foreign Service.

This is not to say that Congress has been the sole source of such leaks. Many have come from those within the executive branch who may seek to curry favor with members of the media or are driven by ideological or other motives to try to forestall impending covert operations. But it is important to remember in this connection that significant covert action operations—whether good or evil, wise or unwise—are not and never have been the product of sinister plots hatched in the dark recesses of the intelligence community. As has been well documented on the basis of diligent inquiry by both the Church committee in the Senate and the Pike committee in the House, they have in all important respects been in response to White House direction.

Thus, however we may personally judge its merits, we must assume that any major covert action operation is the result of decisions taken by or on behalf of the president. There is the question, then, of whether in these turbulent times we can afford to allow such decisions to be anonymously vetoed by any one of some 200 or more congressional members or staffers. And this is not an idle question. For, as former CIA director William Colby has told us, every new CIA covert action plan reported to the several "appropriate" congressional committees in 1975 pursuant to the Hughes-Ryan Amendment was soon leaked.

Personally, I have never been a strong advocate of covert action. In the romantic days of the Dulles

brothers when there was talk of checking Soviet expansion and even rolling back the Iron Curtain by largely clandestine means, I was unconvinced. But surely there is a role for covert action—not as a substitute, but as a supplement and support for overt political, psychological, economic and sometimes military measures in serving legitimate national interests.

And surely the president—any president—in confronting the challenges of the 1980s, which already promises to be the most turbulent decade since World War II—will need some options between diplomatic representation on the one hand and Marine landings on the other. But many of these options must by their nature depend for success on secrecy.

Several measures now under consideration in Congress would contribute much to providing such secrecy. Some would limit the application of the Hughes-Ryan Amendment and the Freedom of Information Act where intelligence and covert operations are concerned. Others would impose meaningful penalties on intelligence and certain other government personnel who, in willful violation of secrecy commitments, publicly disclose information regarding especially sensitive intelligence sources, methods and identities.

In most governmental affairs in a society such as ours, there are no easy answers to the question of the proper limits of secrecy. The handling of many matters concerning not only diplomacy and defense but also finance, law enforcement, foreign trade, judicial proceedings, agriculture, etc., has long involved considerable confidentiality. But where intelligence and related covert activities are concerned, we would do well to heed the words of Gen. Washington when, in 1777, he wrote to Col. Elias Dayton:

"The necessity for procuring good intelligence is apparent and need not be further urged—all that remains for me to add is that you keep the whole matter as secret as possible. For upon secrecy, success depends in most enterprises of the kind and for want of it they are generally defeated however well planned."

ARTICLE APPEARED
ON PAGE C2THE WASHINGTON POST
16 February 1980

Flying the Coop

Reviewed by

Peter Osnos

The reviewer, a former Moscow correspondent, is now national editor of The Washington Post.

Lieutenant Viktor Ivanovich Belenko, a young Soviet jet pilot, flew his Mig-23 to Japan one September morning in 1976 and announced calmly

Book World

MIG PILOT: The Final Escape of Lieutenant Belenko. By John Barron

(Reader's Digest/McGraw-Hill, 224 pp; \$10.95)

that he wanted asylum in the United States. The Kremlin was mortified. It pleaded, cajoled, bargained, threatened and accused everyone in sight to get Belenko back, and then shut up—undoubtedly to carry out a massive purge of all who might remotely be deemed responsible.

Not that the Soviets can really be blamed for being so upset. Can you

imagine what the fuss would be in Washington if one of our most skilled aviators flew one of our most advanced air weapons into Moscow's embrace? The difference between the two societies is that here the scandal would be played out in full view with drum rolls and fanfare, and there, we didn't have a clue then and still don't as to the consequences of Belenko's escape. I am certain they have been considerable.

Probably the most remarkable feature about the episode is that Belenko—indeed, anyone—would do something so dangerous personally and so damaging to his country. Imagine the price to Belenko had he failed. It is one thing to hand partial documents to a foreign power, quite another to turn over (for full investigation and examination) the latest in hardware.

Motivation, therefore, is what should be fascinating about this account of the Belenko affair. Instead

what comes through is a man who found the Soviet system increasingly intolerable despite the lavish resources expended on him as an elite warrior. After an unhappy childhood and with an unsatisfactory marriage, Belenko just made a run for it in the only way open to him—a surprisingly mundane explanation for so daring a deed.

The most interesting aspect of the book is an unexpected one. Given the current heightened concern in the United States over Soviet military prowess, there is something reassuring about the dreary picture of pettiness and ineptitude that Belenko's writer, John Barron, describes as the backdrop and background to his story.

Several years before his flight, already an advanced pilot, Belenko thinks to himself:

"Why doesn't anything work? Why doesn't anything change? It's barely 10 years before 1980. But we're no

farther along toward True Communism than we were when they first started talking about it. We're never going to have True Communism. Everything is just as screwed up as ever. Why?"

If things really are as bad as Belenko/Barron claim, then our worries about the Soviets may be exaggerated. Just as we publicize our every military flaw and weakness, the Soviets keep all theirs secret. Though this was probably not its purpose, "Mig Pilot" serves the useful social purpose of pointing out that the Russians have serious troubles too.

On the whole "Mig Pilot" is a modest book, plainly based on long interviews with the pilot, CIA cooperation, and newspaper clippings. There is nothing deep or particularly moving about the portrait of Belenko that emerges or the way he reacted to his adventure and then adapted here.

The excitement of a good yarn is unavoidable, but the book is ordinary in tone and uninspired in execution. I kept thinking there must be more to this saga than Barron is telling us. Maybe it would make a better movie.

ARTICLE APPEARED
ON PAGE **A-15**

WASHINGTON STAR
16 FEBRUARY 1980

Cord Meyer

Poker and chess in the Indian Ocean

In an urgent search for air and naval bases to protect access to Middle Eastern oil, President Carter has taken a high-risk gamble that some of his best informed foreign policy advisers believe will eventually play into Russian hands.

Carter has moved wisely this week to shore up the American position in the Indian Ocean by obtaining basing rights in Oman and Kenya. But his decision also to offer Somalia a multi-million dollar arms package for basing facilities in Berbera is being seriously questioned by Carter officials who know most about the area.

For those who see our competition with the Russians as a poker game, this deal looks like a sure way of filling an inside straight. We get access to the strategically placed air and naval facilities at Berbera. The Somalis get arms to defend themselves against the Russian-supported Ethiopians. And Carter emerges as a master strategist in the eyes of the American electorate.

In fact, the original motivation for this quick-fix solution was highly political. Tim Kraft, one of Carter's top political operatives, first proposed the deal to the president last October as an idea that had been suggested to him by the Somali lobby, which has long been agitating for American military assistance. The purpose was to demonstrate Carter's ability to act in a tangible and dramatic way to repair the American vulnerability

in the region.

Citing Somalia's bitter dispute over control of the Ogaden desert, which the U.S. recognizes as part of Ethiopia, opponents of the deal argued against involving the U.S. in this quarrel but they were overruled by Carter even before the Afghan invasion. The Somali bases were seen as so essential that the U.S. must gamble on its ability to dissuade the Somalis from using their new military relationship with the U.S. against Ethiopia.

To decrease this danger, the Somalis are to be given only defensive equipment and will be put formally on notice that any escalation of the Ogaden fighting will terminate the agreement. If the Ethiopians retaliate with Russian help, it is explained that the U.S. can simply cut its losses by evacuating its planes and ships.

The minority among Carter advisers who oppose this move see our rivalry with the Russians more as a protracted chess game rather than a series of poker hands. They admit the need for bases but point out that Oman and Kenya are willing to provide adequate basing facilities with none of the disadvantages of the Somali involvement. They recall that with the leverage of 4,000 advisers and a \$300-million military aid program the Soviets failed to prevent Somali attacks into Ethiopia. Confronted with war between its two allies, Moscow finally in 1977 chose Ethiopia.

Critics of Carter's decision to play the Somali card warn that Ethiopia has a population 10 times the size of Somalia, 13,000 Cuban troops and \$3 billion worth of Soviet arms. Since Somali President Siad Barre cannot survive in office if he gives up Somali claims to the Ogaden, American military assistance to Somalia, no matter how defined and limited, is likely to provoke a sharp Ethiopian reaction, which the Soviets will exploit.

In any new war between the two countries, the U.S. is bound to end up on the losing side. The hasty evacuation of American planes and ships may rescue the equipment but will leave little left of American prestige and credibility.

Moreover, the worst long-term consequence of the Somali gamble will be once again to consolidate Ethiopian nationalism behind Mengistu, the Ethiopian strongman, just at a time when his role as a Soviet puppet is leaving him increasingly isolated. Intelligence reports reveal growing opposition to his rule within the army and tense confrontations with the Russian and Cuban advisers.

Mengistu's bloody attempt to suppress the Eritrean revolt has failed, and rebellions in other provinces are fueled by his heavy-handed effort to impose collectivization on the Ethiopian peasantry. Critics of Carter's Somali policy claim that now is the time to provide discreet support to the many

elements in Ethiopian society that oppose Mengistu as a traitor who has sold out to the Russians.

In the Horn of Africa, Ethiopia, not Somalia, is the prize. The best hope of reducing the Soviet presence there lies in working with Ethiopian nationalism rather than against it.

Finally, no matter how defined, American military assistance to Somalia will be taken by the Organization of African Unity as a threat to the territorial integrity of one of its members, the one issue on which African states agree. Soviet propaganda will be able to exploit this issue to escape from the political isolation imposed by the invasion of Afghanistan.

The congressional committees that have to approve Carter's deal with Somalia are preparing to subject it to searching scrutiny. Before raking in the pot, they should remember that chess, not poker, is the Russians' favorite game.

ARTICLE APPEARED
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WASHINGTON STAR
17 FEBRUARY 1980

The American Who Married The Russian Defector

By Richard Whittle
Special to The Washington Star

Elaine Bissell Jackson Shevchenko has been helping her husband write his book. It will be published sometime this year, and it will be a very long book. But what, she asks, did you expect? "Have you ever heard of a Russian who could write a short one?"

Besides being Russian, her husband has a lot to tell. He is Arkady Shevchenko, a 49-year-old son of the Ukraine who rose through the Soviet ranks to become one of his nation's top diplomats. He was undersecretary at the United Nations in New York until April 1978, making \$76,000 a year and said to be enjoying very much the better things in life. Then he was ordered back to Moscow and instead came to Washington, becoming the most senior Soviet official known to have defected to the West.

Here Shevchenko met his wife, a timid woman with wispy red hair and pale blue eyes, who would prefer it if that were all you knew about her.

Elaine Shevchenko doesn't like to answer questions about herself, and she most definitely will not be writing her own book when she and Shevchenko finish his: "I'm much too private," she says.

She will tell you that she was born on a farm in western North Carolina, near Jacob's Fork River between Newton and Conover, 38 years ago. Her parents, William and June Bissell, had no other children, she says, and when she was 5 the family moved to Arlington, where she was educated in the public schools. Her mother still lives in Arlington, but she would rather not discuss her father. There was a divorce.

She will tell you she has an undergraduate degree in art from George Washington University, and that she finished a master of fine arts degree at American University in 1972. She also will confess that her marriage to Shevchenko is not her first. There was a Mr. Jackson, but she would



Arkady and Elaine Shevchenko on their wedding day.

rather not tell his first name. Again, there was a divorce.

Elaine Shevchenko answers some questions vaguely and others not at all. While she always valued her privacy, now she must husband it. Defectors and their wives can afford to get comfortable but not careless.

She acknowledges that Shevchenko enjoyed CIA protection and financial support after he defected. Asked whether that is still the case, she says only, "I feel secure. He has adequate protection."

She confirms that she and Shevchenko lived in Arlington for the first six months they were married, and that they bought a house in the District in July. But she will not say where the house is.

Still, she reasons that the threat of a KGB reprisal isn't so great now because "the time that they could have prevented Arkady from telling us his information is past. The cat's out of the bag." Moreover, she adds, "The more he is a public figure, the less the danger will be. If something happens to him, it'll come back to the Soviets. I think they know that."

Shevchenko went public of his own accord for the first time Jan. 25, testifying to a House Intelligence subcommittee that an Olympics boycott would be taken seriously indeed by the Soviet people. Following her husband's example, Elaine Shevchenko spoke publicly for the first

time in an interview a few days later.

She appeared by herself at the office of her husband's lawyer, William W. Geimer, looking much as she had when the public first glimpsed her at that House hearing. She wore a royal blue blouse and a short, black skirt, and she smoked mentholated cigarettes one after the other. She was skittish at first, perched on a couch like some bird that might fly away. But after a while she regained her pluck and told how she fell in love with her defector "almost at first sight."

"He was attractive to me instantly," says Mrs. Shevchenko, no hint of her Southern beginnings betrayed by her accent. "He has beautiful manners. He's a gentleman from his head to his toes." Such men, she allowed, are "hard to find."

They met in November 1978 at Geimer's home. Geimer and his wife had invited Shevchenko, Elaine and another couple for a Saturday evening dinner, and Geimer confides that one purpose of the get-together was to introduce Shevchenko and Elaine, who Geimer had met when both worked at the Cost of Living Council in 1974.

Before the evening ended, Shevchenko and Elaine had a date for Monday night, dinner for two at Maison Blanche. The following Sunday, he took her to the Zoo. The next

CONTINUED

week, she took him to Arlington for dinner with her mother. ("She liked him immediately. She thought he was very sweet and interesting.") A month later, on Dec. 30, 1978, Elaine became Mrs. Arkady Shevchenko in a quiet wedding at a private home. The guests were mostly friends of Shevchenko from the CIA and FBI.

When Elaine and Shevchenko met, the Russian had been a widower less than a year. The Soviets took his Russian wife back to Moscow when Shevchenko defected, and he told the House subcommittee on Jan. 25 that she died a "mysterious death" later in 1978. However, according to the Shevchenkos' son Gennady Shevchenko, in a statement released to the press in May 1978, she committed suicide.

There had been another woman in Shevchenko's life before he met Elaine though. A Washington woman named Judy Chavez told the world in October 1978 that Shevchenko had lavished \$40,000 on her during a Caribbean tour. The CIA and the White House maintained that the funds for the fling didn't come from the U.S. Treasury. Shevchenko contended that the money came from the severance pay he received when he resigned his lucrative job at the U.N.

Elaine Shevchenko says it is true her husband likes to live well. He likes to travel, and she admits he has a taste for fine food. But she says she doesn't know the man described by Judy Chavez. Mrs. Shevchenko is married to a quiet, scholarly man, she says, not one who could spend \$40,000 on a woman for the pleasure of her company.

"One of the things he's told me is, 'I hate to lie because I've had to lie all my life,'" she says, so when the subject of Judy Chavez came up, Shevchenko "told me everything about that. He's a truth-teller. Sometimes more than you want to know." She averts her glance at having said it that way.

The Shevchenkos like a quieter life, she continues. They prefer dinner with a few close friends to going out on the nightclub circuit. Some of their friends are well known, but she will not divulge their names. None of their friends are Russians. "Most of the people who are Russians in this city are connected with the government," she says. "They're not friends."

When they stay at home at night, they usually discuss art or the Soviet Union or indulge in the "fantastic borscht" Shevchenko makes, or perhaps watch Masterpiece Theater on television. When they are at home during the day, they work on Shevchenko's book.

"He likes me to help because I'm so handy. We finish breakfast and go to work," she says. But she will be glad when it goes to the publisher. It is harder work than her previous jobs, working as a legal secretary off and on "for eight or nine years," working as an executive secretary at the Cost of Living Council during the Nixon administration and at the Federal Energy Administration later, working as a court reporter, as she was doing when she met Shevchenko.

When they work on the book, she types and edits and corrects his English, which is good but not perfect.

There are quirks in his written English she has to watch for. He will write "plus to that" when he means "in addition to that," and he has a habit of substituting the word "wives" for the word "views," as in, "The ambassador and I exchanged wives on the subject of detente." "A w is pronounced like a v in English," she explains.

Shevchenko's book, of course, will reveal his views on ambassadors and the elite of Soviet officialdom, and Mrs. Shevchenko says the book will "have a few firecrackers" in it designed to go off in the ears of Shevchenko's former Soviet colleagues. "His real knowledge of the large Soviet figures will be interesting," she promises. "Here is a man who knew Khrushchev personally."

Working on the book and living with its author have whetted her appetite for things Russian. She has learned to love varyneki, a Siberian dumpling dish her husband favors. She also wants to learn the language, though she knows the Soviet Union is "one place I won't get to visit now."

Elaine Shevchenko says she always considered herself a political conservative. But she was never a political activist and moving into the District of Columbia with Shevchenko has caused her a political problem. She can't decide whether she should register to vote as a Republican or as a Democrat.

"Oh, what am I going to do?" she frets. "My grandmother told me that, wherever I could I should register as an independent." She did that when she lived in Virginia, but registering as an independent isn't possible in the District. "I don't know," she says. "Sometimes I like the president, but I don't like much else that's going on with the Democrats."

Neither does she like what is going on in Afghanistan and elsewhere because of the Soviets. She was always worried about Soviet militarism and the spread of communism, she says, but getting to know the Soviet system as seen through the eyes of Arkady Shevchenko has made her fear it.

"We discuss politics, yes. Oh, do we talk politics. I would say extensively, frequently and heatedly. But we agree on pretty much everything. I'm very concerned about the Soviet Union. I would not like to see the Soviets spread their arms. I would not like to live under Moscow," she says.

"In Moscow," she says, "you know, you can lose your job or even be taken off to prison if you don't say what they want you to say." This is the primary reason her husband defected, she declares, and not his publicized taste for the good life. "He resented very much the lack of basic rights," she says.

But if this is the best reason for leaving the Soviet Union, there is a better reason, she reflects, for fearing it. It is the reason why Mr. and Mrs. Arkady Shevchenko are wary when they leave their home. ("We don't just go walking down dark alleys.") It is also the reason they are emerging from the secrecy of their first year together gingerly. It is something in the nature of the Soviet system, she says, that she has come to appreciate since meeting her husband: "These people are predatory."

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THE AMERICAN JAMES BOND:

PLAYBOY
April 1980

A TRUE STORY

article By DAVID C. MARTIN

OVERTHROW OF CASTRO is possible," Bobby Kennedy told Richard Helms amid the controlled chaos of his fifth-floor office at the Justice Department. An aide to the CIA clandestine services' Helms wrote rapidly to keep up with the Attorney General's staccato cadence. "A solution to the Cuban problem today carried top priority in U. S. Government. No time, money, effort—or manpower—is to be spared. Yesterday . . . the President had indicated to him that the final chapter had not been written—it's got to be done and will be done."

President John F. Kennedy was still smarting from the Bay of Pigs fiasco and, as his brother had told Helms, was determined to settle the score. Helms's response was to place William King Harvey in charge of what would be known within the agency as Task Force W. Two-gun Bill Harvey, foil of Soviet spy Kim Philby, foreman of the Berlin tunnel, was the CIA's heaviest hitter. Harvey's appointment, more than anything else Helms could do, would convince the Kennedy Administration that the CIA meant business.

Brigadier General Edward Lansdale, Kennedy's "Cuba Commander," was suitably impressed. He introduced Harvey to the President as the American James Bond.

The President's enthusiasm for Ian Fleming and the improbable escapades of his British superagent, 007, was well publicized, so Lansdale must have been more than a little flattered when John Kennedy remarked to him one day that he was America's answer to Bond. Lansdale, with all due modesty, demurred, suggesting that the real American 007 was this fellow Harvey, whom Helms had just put on the Cuba case. Naturally, the President wanted to meet the man, and before long, Harvey and Lansdale were sitting outside the Oval Office, waiting to be ushered in.

As Lansdale told the story, he turned to Harvey and said, "You're not carrying your gun, are you?" Of course he was, Harvey replied, starting to pull a revolver from his pants pocket. Aghast at what the Secret Service might do if this strange-looking man were suddenly to draw a gun, Lansdale quickly told Harvey to keep the damn thing in his pants until he could explain to the agents that the gentleman would like to check his firearm. Harvey turned over the gun and was about to enter the Oval Office when suddenly he remembered something. Reaching behind him, he whipped out a .38 Detective Special from a holster snapped to his belt in the small of his back and handed it to the startled Secret Service agents.

The President left no record of his reaction to the sight of his American Bond—this red-faced, popeyed, bullet-headed, pear-shaped man advancing on him with a ducklike strut that was part waddle and part swagger. Harvey's deep, gruff voice must have restored the President's faith in 007 somewhat, but Ian Fleming would never read the same again.

William Harvey's father was the most prominent attorney in Danville, Indiana, a small town 20 miles west of Indianapolis, and his grandfather was the founder of the local newspaper. In 1936, on the strength of his father's name and the endorsement of his grandfather's newspaper, Harvey himself ran for prosecuting attorney in Hendricks County while still a student at Indiana University law school. Despite *The Danville Gazette's* promise that "Billy is a keen student and his election would be a great benefit to the people of Hendricks County," Harvey was a Democrat in a staunchly Republican county, and he lost by 880 votes out of 12,000 cast.

Staying in Indiana only long enough to collect his law degree, Harvey and his young wife, the former Elizabeth McIntire—called Libby by her friends—moved to the small Ohio River town of Maysville, Kentucky, where he opened a one-man practice. Harvey went through the motions, joining the Rotary Club and working with the boy scouts, but he never really made a go of it in Maysville. "In a small town, you have to be nice to people and smile," said a local insurance broker, one of Harvey's friends. "He didn't meet people well. . . . He didn't indulge in small talk. He could walk down the street and not speak to anybody." Harvey did little more than "sit around in the office and fiddle with his collection of guns and knives."

No one was very surprised in December of 1940 when Harvey left Maysville and joined the FBI, starting in the Pittsburgh field office. By 1945, he had made his way to FBI headquarters in Washington as part of a small vanguard of three agents—himself,

Robert Collier and Lish Whitsun—targeted against America's ostensible ally, the Soviet Union. "We were the first ones to be fighting the Soviet side of it," Collier recalled.

It wasn't long before Harvey found himself sitting in a small room in New York City, listening intently as a plump, dowdy, brown-haired woman named Elizabeth Bentley confessed that she had been a courier for a Soviet spy ring. If she was telling the truth, Bentley represented the bureau's first big break in combating Soviet espionage. Harvey left the interrogation to other FBI agents while he sat quietly and simply tried to get a feel for this woman who would consume the next two years of his life. During 14 days of questioning, Bentley reeled off the names of more than 100 people linked to the Soviet underground in the United States and Canada. "Fifty-one of these persons were deemed of sufficient importance to warrant investigative attention by the bureau," an FBI memo stated. "Of those 51 individuals, 27 were employed in agencies of the U. S. Government." One of those 27 was named Alger Hiss.

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In a few years, it was on every tongue, but to Bill Harvey in 1945, Hiss was only one of several senior Government officials suspected of treason. Bentley had mentioned him—calling him *Eugene Hiss*—almost as an afterthought at the end of her 107-page statement. Within 24 hours of her appearance and before he had verified any of her information, J. Edgar Hoover sent a top-secret message to the White House. "As a result of the bureau's investigative operations," he puffed, "information has been recently developed from a highly confidential source indicating that a number of persons employed by the Government of the United States have been furnishing data and information to persons outside the Federal Government, who are in turn transmitting this information to espionage agents of the Soviet government." Hoover named 12 officials as being either witting or unwitting "participants in this operation," no doubt taking private satisfaction in the fact that five of them had served with his archrival, the Office of Strategic Services.

There was one problem, however. Despite intensive surveillance of the suspects identified by Bentley, the FBI could uncover no evidence of an ongoing espionage operation. One year after the surveillance had begun, Hoover was forced to report that his agents had turned up nothing but "repeated inconsequential contacts" among suspected members of the spy ring.

An unbroken string of 18- and 24-hour days spent tracking down Bentley's leads had not produced a single prosecutable case of espionage. The FBI—and Harvey—could proceed no further. Eventually, a very crude and uneven sort of retribution would be exacted. Harry Dexter White, Assistant to the Secretary of the Treasury, would die of a heart attack in 1948, after Bentley publicly named him as a member of her network, and Hiss would be convicted of perjury in 1950. But Harvey could foresee none of that, and in the summer of 1947, his exhaustion and frustration boiled over in an incident that resulted in his being dealt with more harshly than any of Bentley's suspects.

Thundershowers, heavy at times, had fallen throughout the evening of July 11. It was past midnight and another downpour washed over the city as Harvey headed his car across the Potomac River into Washington. A second car splashed along in Harvey's wake, following him home from an FBI stag party in a Virginia suburb. Once across the Potomac, the two cars went their separate ways. Harvey drove toward the west, passing the Jefferson Memorial, the Washington Monument and the World War Two temporary buildings that lay scattered across the Mall like so much

turned northwest and headed into Rock Creek Park, his taillights disappearing into the dark and the rain.

When he had not reached home by nine o'clock the next morning, Libby Harvey could wait no longer. She phoned FBI headquarters to report her husband missing. Bill "had recently been despondent and discouraged about his work at the bureau and had been moody," she said. Pat Coyne, the agent who had followed Harvey back to town, was dispatched to cover the route from the Potomac to Harvey's home in Georgetown. Other agents began a discreet check of accident and amnesia reports with the local police. The search ended in less than an hour, when Harvey called in to report that he was home.

According to a summary of the incident prepared for Hoover, "Mr. Harvey indicated that after he left Mr. Coyne, he . . . was proceeding toward his residence in a heavy downpour of rain. He drove his car through a large puddle of water just as another car going in the opposite direction hit the puddle, and the engine in his car stopped. He coasted to the curb but was unable to get his car started again and accordingly he went to sleep in his car and slept until approximately ten A.M., when he awakened and proceeded to his home." Harvey insisted that his drowsiness was not alcohol induced, and his colleagues backed him up. "Mr. Harvey stated that he had about two cans of beer, and from the recollection of others at the party, there was no indication that Harvey was drinking any more or any less than anyone else," the summary said.

Nevertheless, FBI regulations required an agent to be on two-hour call at all times, either leaving a number where he could be reached or phoning in every two hours. Harvey had violated regulations. The Draconian Hoover directed that a memo be written: "It is recommended that Special Agent Supervisor William K. Harvey of the Security Division be transferred to Indianapolis on general assignment." Hoover scribbled "OK" at the bottom.

Rather than accept the transfer, Harvey submitted his resignation "with the deepest regret," citing "personal and family considerations" and speaking of the "pride and personal satisfaction" of having been an FBI agent—remarkably restrained, considering the circumstances, but wisely circumspect given Hoover's appetite for revenge.

Cast out from the inner sanctum of espionage, Harvey found himself in a world that had not yet heard of Whitaker Chambers and Elizabeth Bentley, that did not yet doubt the loyalty of Alger Hiss, that did not yet realize that while the shooting war against Germany had ended, the secret war against Russia was just beginning. As if blinded by the

bright light of this naïve and unsuspecting world, Harvey quickly ducked into the shadows of the Office of Special Operations, a small and highly secret cadre within the newly formed Central Intelligence Agency.

The CIA was a tonier set than Harvey had known at the FBI—he was stepping from the world of ex-cops and small-town lawyers into an organization of Ivy League bluebloods and Wall Street attorneys. Many of the men he met were heirs to considerable family fortunes. Harvey was crossing the tracks, joining the establishment. Compared with his better-bred colleagues, this *lumpen* spy from the Big Ten who collected firearms and delighted in the simplest duty, honor and empire themes of Rudyard Kipling, fairly reeked of gaucherie and naïveté. His spreading girth quickly earned him the decidedly inelegant nickname The Pear. Svelter men of greater sophistication and charm than he—men like Allen Dulles, Richard Helms and James Angleton—would dominate the CIA for the next quarter century; but it took Harvey, the FBI reject, to spot the Soviet spy in their midst.

Harvey had a fund of knowledge about Soviet espionage that was unmatched anywhere in the United States Government, and he was soon placed in charge of a tiny counterintelligence unit known as Staff C. "We'd all just gotten into the business," a member of Staff C said. "Harvey had experience in the bureau and had seen more than we had."

He "exuded missionary zeal," said a CIA officer named Peter Sichel. The impression was heightened by a lifelong thyroid condition that made his eyes bulge—"stand out on stems, practically," one member of Staff C said—as if he were a man possessed. Harvey's briefings, punctuated by the ritualistic clicking of his cigarette lighter, would last for hours as he disgorged almost verbatim the files of cases he had worked on. "He had an incredible memory for things in which he was involved," a senior officer in the agency said.

"He had everybody sitting on the edge of their chairs," a female staff member recalled, not because he was a spellbinding speaker but because "he spoke in a froglike voice that was at times so low that it was very difficult to hear."

As the CIA's leading expert on Soviet espionage, Harvey should have been in close contact with the bureau; but FBI agents dealt with him at their own peril. "We liked Bill and he was one of us," said a member of the bureau's Security Division, "but as far as Hoover was concerned, he was the enemy."

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particularly petty at a time when the United States had come upon new and startling evidence of Soviet espionage. Through a combination of good luck, hard work and Russian carelessness, the Armed Forces Security Agency had succeeded in breaking the theoretically unbreakable Soviet cipher. Among other things, the break disclosed the existence of a Soviet spy so well placed he could obtain the word-for-word text of a private telegram from Winston Churchill to Harry Truman.

Midway through World War Two, a gifted team of American cryptanalysts had mounted an attack against the Russian cipher system, using as their basic weapon the charred remnants of a Soviet code book that had been salvaged from a battlefield in Finland. The book contained a list of 999 five-digit code groups, each one representing a different letter, word or phrase. A large portion of the list had been destroyed by fire and what remained seemed of little value, since the Soviets employed a system of superencipherment in which random numerical values were added to the original five-digit code groups. Since each code group used a different additive, the effect was an infinity of codes.

To the American cryptanalysts, who had already mastered the intricacies of Japan's top diplomatic code, mere superencipherment did not pose an insurmountable obstacle. Through collateral intelligence, they could sometimes hazard an educated guess about the subject matter. But without a key to the constantly changing additive, the over-all system was still unbreakable—and would have remained so had not the Russians committed a colossal blunder.

Amid the confusion of war, Moscow had sent out duplicate sets of additives to various Soviet installations around the world. When the cryptanalysts discovered that the same series of additives had been used more than once, they had all the leverage they needed to break the Soviet cipher system. Having used guesswork to deduce the additives for a Soviet message intercepted in one part of the world, they could test those same additives against the massive backlog of messages intercepted in other parts of the world. Sooner or later, the same ones would appear and another message could be deciphered. It was an excruciatingly tedious task with less than perfect results.

One of the first Soviet spies to be undone by the code break was the German-born physicist Klaus Fuchs. On February 1, 1950, Hoover informed the White House that "we have just gotten word from England that we have gotten a full confession from one of the top scientists, who worked over here, that he gave the complete know-how of the atom bomb to the Russians."

The trial of the Rosenbergs would become one of the most disputed court cases of the century, in part because the Government, hoping to protect its most secret source, never introduced one of the most damaging pieces of evidence against them: the decoded traffic from the New York-to-Moscow channel. The Rosenbergs were identified in the traffic only by cryptonyms, but the picture that emerged of a husband-and-wife team of agents matched them precisely, even down to the fact that the woman's brother was a part of the plot. At the trial, Ethel's brother, David Greenglass, who had worked on the bomb at Los Alamos, was the chief prosecution witness, having admitted his role in return for leniency.

If made public, the evidence contained in the intercepts would have stilled much of the controversy surrounding not only the Rosenberg trial but several other espionage cases as well. Sometimes the evidence fell short of convincing; other times, however, it was convincing beyond doubt, as when Moscow changed its agents' cryptonyms by transmitting a message listing both their true identities and their new cryptonyms.

The breaking of the Soviet cipher could have tipped the scales of the secret war in favor of the West as surely as had the cracking of the German Enigma code in World War Two. In 1948, however, the Soviets suddenly modified their cipher system in a way that made it once again unbreakable. Two years later, investigators discovered that the Soviets had been alerted to the code break by William Weisband, a disloyal employee of the Armed Forces Security Agency. The man who betrayed America's ultra-secret was never prosecuted for his crime, since a public trial would have required revelation of the code break. Instead, Weisband was sentenced to one year in jail for failing to answer a summons to appear before a grand jury.

Astoundingly, the British officer assigned to work with the FBI in tracking down the Soviet spies whose cryptonyms appeared in the traffic was Kim Philby, a top agent of MI6, the British counterpart to the CIA. He was also a Soviet spy. His assignment was a logical one, since he had once been in charge of British counterintelligence operations against the Soviet Union. In retrospect, it seemed possible that Philby's Soviet handlers had instructed him to engineer his assignment to Washington after they learned about the code break from Weisband. Whether by accident or by design,

Russian intelligence was able to monitor the FBI's efforts to unravel the Soviet spy nets.

The FBI's search for the Soviet agent who had stolen the Churchill-to-Truman telegram had dragged on for the better part of two years with no break in sight. "We had received some dozen reports referring to the source, who appeared in the documents under the code name Homer, but little progress had been made toward identifying him," Philby later wrote in his memoirs. Philby knew who Homer was and could gauge exactly how close the investigators were coming. All the while, cryptanalysts continued to pore over the intercepts, searching for some clue that might give Homer's identity away. Philby received drop copies of the messages as they were decoded by the Armed Forces Security Agency, and it must have been chilling for him to see his own Soviet cryptonym appear in the decoded material. How long would it be until some reference in the traffic gave his own identity away? As it turned out, a dinner party Philby gave in the spring of 1951 would do as much harm to his cause as the intercepts.

Libby Harvey, as was increasingly her habit, had had too much to drink. "This is god-awful," she proclaimed in a loud voice, jabbing at the roast beef on her plate. Her dinner partner, Robert Lamphere of the FBI, tried without success to shush her. She was right about the roast beef, though. It was cold. Philby had let the cocktail hour go too long, and that had done neither the roast beef nor Libby any good.

Libby was poised at the top of a long slide into alcoholism. Her sister back in Kentucky blamed it on the "highfalutin society in Washington."

One of Harvey's CIA colleagues said the same thing from a different perspective. "Libby was an awfully nice girl who came from humble origins. He started to move up in the world. He moved too fast for Libby. She couldn't keep up." That statement had an unintended *double-entendre*, for Harvey had acquired a considerable reputation as a skirt chaser.

One of Libby's friends in Kentucky claimed that Harvey plied his wife with liquor in order to keep her submissive while he went about his extramarital activities. "He fed it to her," Libby's friend said with undisguised venom. Another friend said that Libby drank only to keep pace with her husband, who had his own drinking problem. According to Philby, "The first time [Harvey] dined at my house . . . he fell asleep over the coffee and sat snoring gently until midnight, when his wife took him away, saying, 'Come, now, Daddy, it's time you were in bed.'" The second time the Harveys dined at Philby's, it would have been a merciful blessing had Libby fallen asleep over her roast beef.

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adjourned to the living room for more drinking. Sensing that the evening was getting out of hand, Lamphere said his goodbyes as soon as decency permitted, departing before the arrival of Philby's old friend and house guest, the outrageous Guy Burgess. In 1950, Burgess had been assigned to the British embassy in Washington as a second secretary, and Philby had taken him into his house. Now, after barely a year in Washington, Burgess was on the verge of being recalled to London for abusing his diplomatic privileges.

Outrageous though he was, Burgess was too irrepressible and too witty to be ignored. He had a reputation as a caricaturist and was fond of telling how he had drawn a sketch of a wartime meeting of the British admiralty that had to be classified top secret. The besotted Libby fulfilled Lamphere's premonition of disaster by begging Burgess to sketch her. He obliged with an obscene cartoon of Libby, legs spread, dress hiked above her waist and crotch bared. Harvey swung at Burgess and missed. The party was about to degenerate into a drunken brawl. A friend quickly steered Harvey to the door and walked him around the block to cool off while Libby regained her composure. Burgess continued as though nothing had happened. The evening ended without further violence and the guests staggered off into the night. The entire incident might have been blessedly forgotten, had it not crossed paths with the search for source Homer.

The cryptanalysts had at last succeeded in breaking out a solid lead from the intercepts: Homer had met with his Soviet contact twice a week in New York. The pattern of activity corresponded precisely with that of Donald Maclean, the former second secretary in the British embassy. During his stay in Washington, Maclean had traveled to New York twice a week to visit his pregnant wife, Melinda, who was staying with her American mother.

When he first fell under suspicion in the spring of 1951, Maclean was head of the Foreign Office's American Department in London. He was placed under surveillance and denied further access to sensitive documents. Meanwhile, Burgess had arrived in London to face a disciplinary board for his indiscretions in the United States. The two were seen lunching together on several occasions.

On Friday morning, May 25, 1951, the Foreign Office authorized MI5, the British equivalent of the FBI, to interrogate Maclean the following Monday. At almost precisely the same moment, Burgess was telling a young companion he had picked up during his transatlantic crossing that they might have to scrap

their plans for a weekend in France. "A young friend of mine in the Foreign Office is in serious trouble," he said. "I am the only one who can help him." That afternoon, Burgess rented an Austin and drove to Maclean's home in the outlying suburb of Tatsfield. MI5 sleuths tailed Maclean as he left his offices in Whitehall and walked to the Charing Cross station to catch the 5:19 train, but they dropped their surveillance there. At 11:45 that night, Burgess and Maclean pulled up to the slip at Southampton and boarded the cross-Channel night boat for Saint-Malo. A sailor shouted after them, asking what they planned to do about the Austin left on the pier. "Back on Monday," they called. Later, a taxicab driver testified that he had driven two men resembling Burgess and Maclean from Saint-Malo to Rennes, where he thought they had caught a train for Paris. They were not seen again until 1956, when they appeared at a press conference in Moscow.

Philby later wrote in his memoirs that it was from Geoffrey Paterson, the MI5 representative in Washington, that he first learned that Burgess and Maclean were missing. "The bird has flown," he quoted Paterson as saying.

"What bird?" Philby asked, knowing full well. "Not Maclean?" he said with appropriate consternation.

"Yes," Paterson replied, "but there's worse than that . . . Guy Burgess has gone with him."

"At that," Philby subsequently recounted, "my consternation was no pretense." His last words to Burgess when seeing him off for London had been, "Don't you go, too." But Burgess had gone anyway and, in doing so, had linked Philby to the case as one of the handful of people who both knew Burgess and were aware of the suspicions against Maclean.

The CIA's dilemma was only slightly less perplexing than Philby's. The agency could not comfortably share its secrets with someone so indiscreet as to open his house to the egregious Burgess. Yet the mere fact that Philby had befriended Burgess hardly seemed sufficient ground upon which to repudiate the official representative of MI6, embittering relations with the British and, in the bargain, damaging a man's career—a brilliant one, at that. But Bedell Smith, the new director of the CIA, confronted the problem head on. He began by directing every agent who had known Burgess to write down everything he knew about the missing diplomat.

Harvey would later tell friends that it had come to him as he sat stalled in traffic one morning on his way to work. That moment in which the anomalies in Philby's career resolved into a pattern of betrayal where others could see only untoward coincidence had been hard earned. It had come from years of working with the files, so that an isolated incident could lodge somewhere in the back of his mind to be recalled when new developments suddenly gave it meaning. It had come from the Bentley and Hiss cases, which had convinced him that good breeding was not a bar to treason—and, in fact, was a positive incentive. It had come from the social snubs, real or imagined, that fed his distrust of the establishment. And, finally, it had come from the obscene insult to his wife, which had fixed the relationship of Philby and Burgess with outraged clarity in his mind.

Smith forwarded Harvey's memo to MI6 in London with a cover letter stating that Philby was no longer welcome as the British liaison officer in Washington. Working from Harvey's premise, MI5 compiled a dossier against Philby, listing his left-wing youth, his sudden conversion to fascism, the flight of Burgess and Maclean and much more. "I have toted up the ledger and the debits outnumber the assets," the head of MI5 informed the CIA.

In July of 1954, President Dwight Eisenhower directed Lieutenant General James Doolittle to undertake "a comprehensive study of the covert activities of the Central Intelligence Agency" and to "make any recommendations calculated to improve the conduct of these operations." Two months later, Doolittle handed Eisenhower a 69-page top-secret report that confirmed what everybody then realized: The CIA was losing the secret war against the K.G.B.

Doolittle recommended a number of specific remedies; more fundamentally, he urged the CIA to become "more ruthless" than the K.G.B. "If the United States is to survive, long-standing American concepts of 'fair play' must be reconsidered," he said. The Doolittle report foreshadowed much of what the CIA, and Harvey in particular, would undertake in the ensuing years. Harvey had already been named chief of the CIA's base in Berlin and was hard at work on a "technical avenue of approach to the intelligence problem."

Harvey's first overseas assignment marked a merciful end to his increasingly unhappy life with Libby. Their marriage was breaking under the strain of his infidelity and her drinking, and on more than one occasion had degenerated into physical violence. He would fly into a rage, "throw glasses, card table, anything he could pick up," Libby testified during the divorce proceedings. She went home to Kentucky and Harvey escaped with their five-year-old adopted son to Berlin.

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Soon after the Harvey married a WAC major named Clara Grace Follich, whom he had met at the CIA station in Frankfurt. The newlyweds adopted a daughter, an infant who had been left on the doorstep of another CIA officer's home by an East German woman who wanted her child to grow up free. Harvey's friends kidded him that his daughter was the ultimate Soviet penetration agent. "Is this kid wired?" they cracked.

"Knock it off," he grumbled.

If Harvey's reputation preceded him to Berlin, he did not disappoint. His drinking would become legend during his years there, and his capacity, like his growing bulk, was enormous. On a trip to Copenhagen, he checked in at the Hotel D'Angleterre in midafternoon and waited at the bar to meet the local station chief for dinner. The station chief arrived to find the bartender staring in wonder as Harvey downed his seventh double martini. They adjourned to the dining room, where Harvey ordered another round and wine with dinner. At home, he served his guests martinis in water goblets.

The action in Berlin was wide open and rough. The walls of Harvey's office were lined with racks of firearms, and a thermite bomb perched atop each safe, ready for the emergency destruction of files in the event of a Russian invasion. When Harvey arrived in that wild West of espionage, he ordered all CIA officers to carry sidearms when conducting operations. He himself "kept three or four in his desk and never fewer than two on him." At a square-dancing party one warm summer evening in Berlin, Harvey was perspiring profusely under a heavy tweed sports jacket but rejected all suggestions that he take it off. "Can't," he growled, flipping open the jacket to reveal a pearl-handled revolver strapped under each sweaty armpit. Why not check the guns at the door? one of the gaping onlookers asked. "Can't," Harvey growled again. "When you need 'em, you need 'em in a hurry."

To most of his colleagues, Harvey's guns seemed like so much braggadocio or window dressing, a melodramatic exaggeration of the dangers he faced. Others saw them as a hangover from his FBI days that did not belong in the subtler and more sophisticated world of espionage. Shortly after he arrived in Berlin, Harvey was visited by Frank Wisner, head of the CIA's clandestine services, who asked to be taken to meet the mayor. Wisner squeezed into the back seat of Harvey's car with Mike Burke and Tracy Barnes of the Frankfurt station. Harvey got behind the wheel with a gun jammed in his belt, turned to an aide sitting next to him and barked, "Finger the turns"—FBI lingo meaning point the way. "It was like a grade-C movie," Burke related.

return to Washington aboard an ocean liner, he received a *bon voyage* telegram from Barnes saying, "Don't forget to finger the turns"—meaning gulls.

The same men who enjoyed their bon mots at Harvey's expense had put him where he was, and Berlin during the Fifties was the front line of the secret war between the CIA and the K.G.B.—and the site of the most daring foray in the secret war. Carl Nelson of the CIA's Office of Communications had recently made a discovery that promised to yield the biggest intelligence bonanza since the wartime code break that had uncovered source Homer. Nelson had invented a way to tap into Soviet telephone and telegraph lines and monitor the traffic, not in its encoded form but in plain text. Very simply, he had discovered that as the Soviet cipher machine electrically encrypted a message from the clear text to a meaningless jumble of letters, it gave off faint echoes—Nelson called them transients or artifacts—of the clear text, which traveled along the wire with the enciphered message.

The CIA moved rapidly to exploit Nelson's discovery in Berlin that, second only to Moscow, was the hub of the Soviet communications system. The only way to reach the Soviet land lines in East Berlin was via a tunnel that would have to originate in the western sector and burrow hundreds of yards across a heavily patrolled border into the eastern half of the city. No one had ever attempted anything like it. British intelligence had some experience in the highly specialized art of vertical tunneling and had developed a method for digging upward through soft soil without having the roof collapse. For this operation, the Americans and the British would have to pool their resources. The project was code-named GOLD and Harvey was placed in over-all command.

The cables made their closest approach to Western territory at the city's extreme southern edge, a sparsely settled expanse of farm land and refugee shacks known as Altglienecke. Still 1000 feet from the border, they lay just 18 inches beneath a drainage ditch on the far side of Schönefelder Chaussee, a heavily traveled highway linking the main Soviet air base in Germany with East Berlin.

Harvey flew back to Washington to brief Dulles, Wisner, Helms and other senior agency officials on the plan. "There were those who manifested reservations," a CIA document noted dryly, but those reservations paled in the face of Harvey's fervor. "Without Harvey there would have been no tunnel," one officer said. "The easy thing was to say no and be on the safe side and not take a chance, but Harvey would keep badgering the chiefs, stripping away their objections."

early in 1954, two teams of Army engineers began work on the tunnel at sites 6000 miles apart. In Berlin, a Corps of Engineers unit started construction of a warehouse directly over the spot chosen for the mouth of the tunnel. In New Mexico, at the White Sands Missile Proving Ground, 16 hand-picked Army sergeants sank a test tunnel in the desert.

The commander of the engineers in Berlin could not understand why a warehouse had to have a basement with a 12-foot ceiling. In the strictest of confidence, Washington explained that he was not really building a warehouse but a radar-intercept station designed to look like one. Washington did not explain that no sooner would the basement be finished than another crew of engineers would start to fill it in with the 3100 tons of dirt that would be produced by a tunnel 1476 feet long and six and a half feet in diameter.

In New Mexico, the crew of 16 sergeants successfully completed a 450-foot test tunnel through soil of approximately the same composition as in Berlin. Abandoning the New Mexico tunnel, they flew to Richmond, Virginia, where the material needed for Operation GOLD was being assembled in a real Army warehouse. The 125 tons of steel liner plates that would be bolted together to form the tunnel walls were sprayed with a rubberized coating to prevent them from clanging during construction. All the equipment was packed in crates labeled SPARE PARTS and OFFICE SUPPLIES, shipped by sea to the German port of Bremerhaven, placed aboard the regularly scheduled supply train for Berlin and, finally, trucked to the new warehouse in Altglienecke.

By August of 1954, the warehouse was ready. The ground floor was stocked to capacity with crates of "spare parts" and "office supplies." Below, the cavernous basement stood empty, waiting to be filled with dirt.

Starting from a point in the easternmost corner of the warehouse basement, the soldiers sank a vertical shaft 18 feet in diameter to a depth of 20 feet, then drove pilings halfway into the floor of the shaft. Next, a steel ring six and a half feet in diameter and fitted with hydraulic jacks around its circumference was lowered into place. Braced against the exposed section of the pilings, the ring, or "shield," was fitted flush against the tunnel's face. Everything was then ready for the long subterranean journey eastward toward Schönefelder Chaussee.

Three men attacked the tunnel face with pick and shovel. After excavating to a depth of two inches, they shoved the shield forward by jacking it against the pilings. Over and over again, the

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ward, excavate, jack forward. After advancing a foot, the diggers were able to bolt the first ring of steel liner plate into place. After another foot of progress, a second ring of liner plate. Plugs in the face of each plate were uncapped and mortar was pumped under pressure to fill any voids between the tunnel walls and the surrounding earth, leaving no room for "slump."

The sergeants worked in eight-hour shifts round the clock—three men at the face with pick and shovel, two loading the spoil into a box that was picked up by a forklift and hauled back to the mouth of the tunnel, where a winch raised it to the basement. Some was packed in sandbags and stacked along the sides of the tunnel. Ventilation ducts were placed on top of the sandbags, bringing a stream of chilled air to the sweating men at the tunnel face.

The tunnel was completed on February 25, 1955, a long, thin catheter ready to draw off the secrets of the Soviet military command in Berlin. Harvey walked along its length until he stood directly beneath the Schönefelder Chaussee. The final 50 feet were separated from the rest of the tunnel by a heavy door of steel and concrete designated against the inevitable day the operation would be blown and the *Vopos* would come storming through. At Harvey's instruction, the door bore a neatly lettered inscription that warned in both German and Russian: ENTRY IS FORBIDDEN BY ORDER OF THE COMMANDING GENERAL.

Now it was up to the British to install the taps. A second shield was brought in to dig the vertical shaft up to the cables. The technique was the same as before, except that the face of the shield was fitted with slats to keep the ceiling of the shaft from crashing down on the workmen. Finally, three black rubber-sheathed cables, each one as thick as a man's arm, emerged from the ceiling. With the help of a hydraulic jack, they were pulled downward into the tap chamber, so that the technicians could have some headroom in which to work. The British technicians painstakingly clipped wires to the rainbow of color-coded circuits at their finger tips. The wires carried the signal down to banks of amplifiers in the tunnel and back up to rejoin the circuit.

Processing the take was a task of staggering proportions. The three cables contained a total of 172 circuits carrying a minimum of 18 channels each. Recordings of the telegraph circuits were flown to Washington, where Nelson's invention could sort out the plain-text artifacts from the encoded signals. Tapes of phone conversations went to London, where a team of White Russian *émigrés* waited to translate them. In Washington, the tapes were delivered to building T-32, one of the World War Two "tempo" that disfigured the Mall. The

Mill" because of the many strands of communications intelligence that came together there, sagged under the weight of the machinery assembled to process the tapes.

The heart of the system was "the bumblebee," so called because, like the real bumblebee, all the laws of physics decreed that it would never get off the ground. The bumblebee played the tapes at 60 inches per second, four times the speed at which the captured signals had originally been transmitted, breaking down the 18 channels of each circuit into separate recordings—"demuxing," in the communicators' jargon. The 18 separate recordings were then placed on slow-speed recorders linked to teletype machines that printed out the message in clear text at 100 words per minute. The printed messages, still in their original Russian or German, were ripped from the teletypes and hand-carried to translators and analysts on the floors above.

On April 21, 1956, the microphone in the tap chamber picked up an alarming sound—voices exclaiming at what had been found. A CIA document attributed the discovery to "unfortunate circumstances beyond our control—a combination of the fact that one of the cables was in very poor physical condition . . . and a long period of unusually heavy rainfall. It appeared that water entered the cable in sufficient quantity to make it inoperative, thus necessitating digging up sections of the cable and causing discovery of the tap."

But for 11 months and 11 days, the tunnel had kept on the Soviet pulse. The Russian army could not have made a military move anywhere in Europe without tipping its hand via the tunnel. When the CIA was set up in 1947, Secretary of State George Marshall was reported to have said, "I don't care what the CIA does. All I want from them is 24 hours' notice of a Soviet attack." Harvey's Hole, as the tunnel became known, had put the CIA in a position to do just that, and had done it at a time when the agency had virtually no other assets behind the Iron Curtain.

At a secret ceremony, Dulles singled out Harvey for special praise and awarded him the Distinguished Intelligence Medal. It was a moment to savor as Dulles heartily slapped him on the back for a job well done. In the years since Harvey had been cashiered from the FBI, he had earned a reputation as America's top spy, the man who had both uncovered Kim Philby, the K.G.B.'s most valued penetration of the West, and overseen Operation GOLD, the CIA's most valued penetration of the Iron Curtain. But for William Harvey, life would never again be so sweet.

Over Christmas of 1960, a Polish intelligence officer named Michael Goleniewski crossed into West Berlin and into the waiting arms of the CIA. Goleniewski had planned his defection well. In the months before his flight from Warsaw, he had stashed hundreds of pages of photographed documents in a hollow tree trunk. By defecting at the start of the long Christmas holiday, he had given himself and the CIA a few extra days before his absence would be noted and the alarm sounded—time enough to signal the lone CIA man in Warsaw to empty the hollow tree.

Spirited away to a CIA safe house in a suburb of Washington, Goleniewski told his interrogators about a Soviet spy inside the MI6 (British Intelligence) in Berlin, a lead that aroused suspicion against one George Blake.

Over Easter of 1961, Blake was recalled to London for questioning. "Blake broke at a time when there was hardly another question left to ask him," one CIA officer said. "If Blake had held out, they would not have had a case." After a brief trial, conducted almost entirely in secret, Blake was sentenced to 42 years in prison, one of the longest sentences ever handed down by a British court. The information that Blake had passed on to the Russians "has rendered much of this country's efforts completely useless," the judge said.

William Harvey didn't need a British judge to tell him that. In December 1953, he had sat at a conference table in London and discussed plans for the Berlin tunnel with his British counterparts while Blake kept the official minutes of the meeting. "He knew every detail of what we were doing," said Carl Nelson, mastermind of the tunnel.

By 1961, Harvey had been reassigned to CIA headquarters as head of Staff D, a small agency component responsible for communications intercepts. There, at the direction of Richard Bissell, then head of the CIA's clandestine services, Harvey had begun work on the "application of ZR/RIFLE program to Cuba."

Bissell called it "executive action." Harvey called it "the magic button" and the "last resort beyond last resort and confession of weakness." He made a note to himself never to call it by its true name. "Never mention word assassination," he scribbled.

The CIA had tried to kill Fidel Castro at the time of the Bay of Pigs invasion, but the attempt had disintegrated into what one of the plotters called "a Keystone comedy act." Much more stringent requirements were laid down for Harvey's operation. "Maximum security" and "nonattributability" were the primary guidelines specified in the executive-action file. "KUBARK only," the

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file commanded, employing the cryptonym used internally to identify the CIA.

The first step would be the "search"—to find and recruit the assassin. KUTUBE/D, the agency's cryptonym for Staff D, was already conducting a search for agents who could be recruited to steal the code books of other nations. That would be used as the cover for the search for a killer. The KUTUBE/D search had been given the code name RIFLE, which, now that it served the ends of executive action, was an appropriate description of what was involved.

To conduct the search, Harvey already had the perfect asset. According to one of his CIA handlers, the man code-named QJ/WIN was capable of anything. A CIA memo said that he was recruited in Frankfurt November 1, 1960, to undertake a one-shot mission to the Belgian Congo, a mission that "potentially involved great risk." The memo was characteristically vague about what exactly the mission had been, though the author must have chuckled over his reference to "one-shot," since other documents left no doubt that WIN had been dispatched to arrange "the assassination of Patrice Lumumba." Lumumba had died exactly as the CIA planned, but the agency for all its scheming was not responsible. It had not had such good luck with Castro, and Bissell hoped Harvey could change that.

ZR/RIFLE was only a small portion of what the Kennedy Administration proposed to throw against Castro. A major new covert-action program would build a revolution inside Cuba. Agents assigned to Task Force W would be infiltrated to make contact with what few pockets of political resistance remained after the Bay of Pigs and to build an insurgent movement gradually that would gather support from a population increasingly disgruntled with Castro's mismanagement of the economy, a mismanagement aided and abetted by economic warfare waged overtly with a trade embargo and covertly with sabotage. The program would require a Government-wide effort, for which the President's brother, according to a White House memo, "would be the most effective commander."

Instead, Kennedy chose as his Cuba commander Brigadier General Edward Lansdale, a CIA operative who had fought against Communist insurgents in the Philippines and Vietnam. Lansdale was a romantic figure of considerable proportions—the stuff of which two novels, Graham Greene's *The Quiet American* and William Lederer's *The Ugly American*, were made.

To oversee Lansdale, a special panel was formed, chaired by the President's military representative, General Maxwell Taylor, and including national-security advisor McGeorge Bundy and CIA director John McCone, among others. The panel was augmented by one

other member, the President's brother, Bobby Kennedy would give the panel both its official title—Special Group (Augmented)—and its sense of urgency.

Code-named MONGOOSE, the operation—with Harvey once again the CIA's point man—was doomed to fail from the start. The CIA's Board of National Estimates had already concluded that "it is highly improbable that an extensive popular uprising could be fomented" against Castro. Even Castro's death "would almost certainly not prove fatal to the regime." But the Administration's obsession with overthrowing Castro was beyond the reach of reason. "We were hysterical about Castro," Defense Secretary Robert McNamara acknowledged. The CIA's pessimism was viewed as one more indication that the agency had not regained its nerve since the Bay of Pigs.

Harvey moved Task Force W into the basement of the CIA's new headquarters in Langley, Virginia, and set up the command bunker for operations against Cuba. Lansdale had already drawn up a basic action plan for MONGOOSE designed to culminate in the "open revolt and overthrow of the Communist regime"—"the touchdown play," as he liked to call it—by the end of October of 1962. The timetable was preposterous, and members of Task Force W decided that Lansdale's October deadline had more to do with the November elections than with the realities of insurgency. Even the Special Group (Augmented) found Lansdale's basic action plan excessive and issued guidelines stating that simple intelligence collection would be the "immediate priority objective of U. S. efforts in the coming months." Covert actions should be kept on a scale "short of those reasonably calculated to inspire a revolt."

A total of 400 CIA officers was assigned to Task Force W. "We were running a ferry service back and forth to the island with agents," a member of the task force recalled. Teams of Cuban exiles were dispatched in the dark of the moon for the 90-mile run from Florida to Cuba. Once ashore, they headed inland toward their native provinces, where they could seek out relatives who might give them food and shelter while they went about the tedious task of building an underground network. The exiles sent out radio reports on the condition of the transportation and food-distribution systems, the status of power and water supplies, the schedules of police patrols and all the other measures of Castro's grip on the island. They urged their compatriots to commit minor sabotage such as leaving the lights on and the water running. They carried condoms filled with graphite to dump into an engine's oil system.

But minor sabotage "didn't appeal to the Cubans," Maxwell Taylor said. "They wanted to go in there and throw a bomb at somebody." The official records of Operation MONGOOSE contained only the slightest hint of the ferocity with which that secret war was waged. Sabotage missions were launched against bridges, power transformers, microwave towers, tank farms and railroad lines within reach of the beach. The commandos set their mortars in the sand, lobbed a few shells inland and retreated to the sea. "Sometimes mortar rounds go long and they land in a village," the chief of Task Force W's paramilitary operations said philosophically.

"People died," Harvey's executive assistant said, "no question of that."

The rationale behind the sabotage was that it would result in economic dislocations that would sow discontent among the people and provide fertile ground for nurturing a resistance network. But the Special Group (Augmented) repeatedly balked at approving the kind of assault that would work any real economic hardship.

Exasperated, Harvey complained to McCone. "To permit requisite flexibility and professionalism for a maximum operation effort against Cuba, the tight controls exercised by the Special Group (Augmented) and the present time-consuming coordination and briefing procedures should, if at all possible, be made less restrictive and less stultifying," he wrote in his long-winded fashion.

"You could see trouble coming," Helms's assistant said.

Bobby Kennedy browbeat Harvey and his aides so relentlessly that after one session, Taylor turned to him and said, "You could sack a town and enjoy it." The Attorney General would call a junior officer in the Task Force W bunker at Langley, bark out an order and hang up, leaving the CIA man wondering whether he had just talked with the President's brother or a prankster. He gave one officer the name of "a man who was in contact with a small group of Cubans who had a plan for creating an insurrection." When the officer reported back that the Cubans did not seem to have a concrete plan, Kennedy ordered him to fly to Guantánamo and "start working developing this particular group." The officer protested, saying that the CIA had promised the Defense Department not to work out of Guantánamo. "We will see about that," Kennedy snapped. Sometimes the Attorney General would take things into his own hands and the CIA would not find out about it until after the fact. He sent Lansdale down to Miami in a futile effort to form a cohesive government in exile and kept the trip a secret from the CIA. It was

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bureaucracy upside down and shaking it by the heels. Such tactics served him well in most endeavors, but not when it came to the business of spying, with all its reverence for "tradecraft."

To Harvey, it was all so much amateurish meddling. Soon he started referring to Kennedy in private as "that fucker" and began suggesting that some of the Attorney General's actions bordered on the traitorous. It usually happened after he had been drinking, and it made his friends wince. "He said some things about Bobby Kennedy that were unwise, which he couldn't support but which were part of his dislike for the man," a friend said. "Bobby was wielding so much power and Bill distorted this into intent to do harm." In short, the friend said, "he hated Bobby Kennedy's guts with a purple passion."

For his part, Kennedy thought that Harvey was "not very good." The Berlin tunnel "was a hell of a project," Kennedy conceded, "but he did that better than he did this. . . . [Harvey had] this great achievement and then he ended in disaster by working out this program." Stories began to circulate. One had it that Harvey had flatly refused a direct order from Kennedy, then slapped his gun down on the conference table and spun it around so the barrel pointed at the Attorney General. The story was almost certainly apocryphal, but its very existence signaled that something was drastically wrong.

Relations with Lansdale were no better. To Harvey, Lansdale was a security risk. "Harvey seldom really talked to me," Lansdale said. "He would never initiate conversations. It was very hard to get information from him." Harvey displayed his contempt in other ways as well. At meetings, he would "lift his ass and fart and pare his nails with a sheath knife," Helms's aide said. One day at the Pentagon, Harvey took his gun from his pocket, emptied all the ammunition on the table and began playing with the bullets in an elaborate show of boredom. The incident caused such a ruckus that the CIA issued new regulations regarding the carrying of firearms by employees.

The final break with Lansdale came on August 13, 1962, after he sent a memo to State, Defense, the CIA and the USA, laying out plans for the next phase of operations against Cuba. There, in black and white, Lansdale wrote, "Mr. Harvey: Intelligence, Political (including liquidation of leaders), Economic (sabotage, limited deception) and Paramilitary."

Harvey scratched out the offending words from the memo and called Lansdale, raging against "the inadmissibility and stupidity of putting this type of comment in such a document." Lansdale didn't know it, but he had stuck his big foot right in the middle of ZR/RIFLE.

Harvey had abandoned the intricate stratagem of using QJ/WIN in the KUTUBE/D search for a suitable assassin as the original executive-action file had specified. Instead, he had reverted to a more tightly controlled version of the Keystone comedy act that had been concocted for the Bay of Pigs. On April 21, 1962, Harvey met with a dapper Mobster named Johnny Roselli in the cocktail lounge at the Miami airport. The bulbous Harvey gulped his double martini while the sleek Roselli, wearing a custom-tailored suit, alligator shoes and a \$2000 watch, sipped vodka on the rocks. Harvey handed him four poison capsules and assured him that they would "work anywhere and at any time with anything." Although Roselli soon reported to Harvey that the pills had arrived in Cuba, nothing happened.

Still Castro flourished. It had been a full eight months since Bissell had first mentioned to Harvey the "application of ZR/RIFLE program to Cuba" and since the President had recorded his decision to "use our available assets . . . to help Cuba overthrow the Communist regime." During that time, the only result that could be discerned was that the Russians had begun shipping vast quantities of military supplies to Cuba.

Early on the morning of October 14, a U-2 reconnaissance aircraft picked out a total of 14 73-foot MRBMs lying in various stages of readiness in a heavily wooded area near San Cristóbal. The presence of nuclear missiles in Cuba signaled the final futility of MONGOOSE.

In the heat of the moment, Harvey ordered ten more teams to Cuba, not for sabotage but to be in place with beacons and flares that could light the way if the President ordered a military invasion. The Attorney General learned of the order by accident when "one of the fellows who was going to go got in touch with me and said . . . we don't mind going, but we want to make sure we're going because you think it's worth while."

Kennedy ordered the mission scrubbed, but Harvey said that three of the teams were beyond recall. "I was furious," Kennedy later related. "I said, 'You were dealing with people's lives . . . and then you're going to go off with a half-assed operation such as this.'" On whose authority had Harvey dispatched no fewer than 60 of those brave men into Cuba at a time when the slightest provocation might unleash a nuclear holocaust? Kennedy demanded to know. "[Harvey] said we planned it because the military wanted it done, and I asked the military and they never heard of it." Kennedy demanded a better explanation and said, "I've got two minutes to hear your answer." Two minutes later, Harvey was still talking. Kennedy got up and walked out of the room.

That evening, when McCone returned to CIA headquarters in Langley, he told Ray Cline, his deputy director of Intelligence, "Harvey has destroyed himself today. His usefulness has ended."

McCone removed Harvey as head of Task Force W. Harvey would never again be allowed near an operation in which the White House was likely to take an active interest. Rome was the first available slot for an officer of his rank, and the irony cannot have escaped Harvey that it was he, the loyal Government servant, and not Roselli, the *mafioso*, who was being deported to Italy.

"He was an utter disaster in Rome," the head of the CIA's Western Europe Division said.

"Italians are highly sophisticated, smooth and slowgoing," a member of the Rome station said, describing attributes guaranteed to clash with the blunt, hard-charging new station chief.

"This was just not the kind of milieu Bill Harvey prospered in," a sympathetic friend said. "He preferred the dark alleys of Berlin."

Still, said an aide to McCone, "he would have been able to carry out his assignment had he not impaired his effectiveness with drink."

"When he first came to Rome, he tried to be very careful about his drinking," a member of the station staff said. "At cocktail parties, he would drink iced tea."

But soon "he was hitting the bottle very hard early in the morning," another colleague reported. "By noon, Bill was no longer Bill." When a colonel in the local *carabinieri* took him on a tour of check points along the Yugoslav border, Harvey slumbered drunkenly through the entire trip. When the American ambassador, Frederick Reinhardt, called an emergency meeting one Saturday, Harvey arrived "blotto" and fell asleep slumped over the arm of his chair. His gun fell out of its holster and onto the floor. "For Christ's sake," Reinhardt snapped, "who sent him to this town?"

Helms and Angleton had sent Harvey to Rome for a number of reasons. After his run-in with Bobby Kennedy, Harvey had to be got out of the country fast. But he was not to be demoted. The failure of MONGOOSE had not been his fault and there was a feeling that he had been "unfairly treated" by the White House. Rome was "the assignment Helms could find at the time that was high-level enough to accommodate him," one participant in the decision said.

The station relied on the Italian services for its intelligence on Soviet agents, but "there was no help from the liaison services, who were afraid of antagonizing the Soviets," an Italian hand said. The situation cried out for a hard-nosed operative like Harvey, who would install some "plumbing" of his own—surveillance teams, wire taps, bugs and all the other paraphernalia of espionage.

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Whatever else had happened to him, Harvey certainly had not gone soft. When a longtime friend in the Rome station wrote him a warm letter of congratulations on his appointment, Harvey reported the man to the Office of Security for discussing classified material in the open mails.

This new man was a queer bird, indeed. "Harvey tried to turn the station around from a largely overt mission to an increased clandestine effort against the Soviets," one officer said. No longer relying on the timid efforts of the Italian services, Harvey formed his own surveillance teams to track the Russian operatives. Officers who had made their living over dinner with Italian politicians found themselves pounding the pavement at all hours of the night. "People had to work a hell of a lot harder," one officer said, but "I don't think we succeeded in recruiting any Russians."

Relations with the Italian services grew steadily worse under Harvey's heavy hand. "He pushed too hard," a veteran officer said. "If only he'd had a little more tact. . . . Harvey forgot that we were dealing with the owners of the country."

Soon the "horror stories" began to filter back to Washington, stories of Harvey's walking into a glass door or running over a roadside kiosk. "You heard about the time the gun went off in his office, didn't you?" said an officer. "The girls in the outer office were afraid to open the door. They were afraid he'd blown his damn brains out. When they finally opened the door, there was Harvey, sitting there as if nothing had happened."

At first the reports were discounted as the petty spite of a small clique of officers who had grown too accustomed to the good life. "The gentlemen who were trying to pull him down in Italy were gnats buzzing about a bull," Harvey's immediate superior in Washington said. The K.G.B. added its menacing buzz to the swarm. Harvey would find the air let out of his tires or be awakened in the middle of the night by anonymous phone calls. One morning, two sewer rats were found hanging from his front door with their heads chopped off.

Harvey suffered a heart attack. After the crisis had passed, the chief of the Western Europe Division said, "Things looked up for a while."

But the drinking resumed. Then came a cable saying Harvey wanted a number of officers recalled. Headquarters temporized by asking for more information. Harvey's wrath focused on one officer in particular, Mark Wyatt, who was in charge of liaison with the Italian services. Urbane, sophisticated, bilingual, independently wealthy, Wyatt was everything Harvey was not. Harvey submitted a special fitness report which tore Wyatt limb from limb.

Desmond FitzGerald, the new head of the clandestine services, arrived in Rome for a firsthand look. He supported Harvey against Wyatt, but at the same time, he concluded, in the words of a senior officer who accompanied him, that "Harvey was not in a condition to continue as chief of the station. . . . He was sick and coming apart at the seams." FitzGerald cabled a lengthy report to Helms, and Helms ordered Harvey relieved of command. "I got the job of going back to Rome and relieving Bill Harvey," FitzGerald's companion said. "It was a night I shall not soon forget." For seven hours, he sat across from Harvey, explaining that he was through. "Harvey was drinking brandy with a loaded gun in his lap . . . paring his nails with a sheath knife." Harvey never threatened him, but the barrel of the gun was always pointing directly at him.

At CIA headquarters in Washington, Harvey was placed in charge of something called the Special Services Unit, where his job was to study countermeasures against electronic surveillance. FitzGerald told Harvey he hoped that would be only a brief interlude until he could regain his health and return to the front lines. Lawrence "Red" White, the agency's executive director, was assigned to watch over him.

"I'm sorry if I've embarrassed the agency in any way," Harvey said to White. "If I ever embarrass you or the agency again, I will resign."

Before long, "we began finding gin bottles in his desk drawer," one of the CIA's most senior officers said. White called in Harvey, who reminded him of what he had said about resigning the next time he embarrassed the agency.

"That would probably be the best thing to do," White said.

"At your pleasure," Harvey replied. He was finished.

After a brief try at practicing law in Washington, Harvey went home to Indiana as the Midwest representative of a small investigative outfit known as Bishop's Service.

People who had not seen him for many years were shocked at how obese he had become. In 1973, he returned to Maysville, Kentucky, for the first time in nearly 20 years, for the funeral of his first wife, Libby. "I was really horrified when he came here," Libby's sister said. "The change in him was unbelievable. He was a very thin young man when he married Libby." Like Harvey, Libby had never been able to free herself from alcohol. She had died by her own hand.

Such private tragedies attracted no public interest, and Harvey remained a man of indeterminate past and no future. When he applied to Bobbs-Merrill for a \$9000-a-year job as a law editor, "Bill said nothing at all about his CIA employment," said Dave Cox, head of the firm's law division. "He used phrases like 'having worked for the Government,' as if I was supposed to know something independently."

Cox did not know any more until the spring of 1975, when Harvey was publicly identified as the man who had directed Johnny Roselli in a plot to poison Castro. Harvey was called to testify before the newly created Senate Select Committee on intelligence activities. He surprised the committee with his willingness to talk. After all the stories they had heard, the Senators could not resist asking Harvey whether or not he still carried a gun. No, he said, he was not carrying a gun, but he did have a tiny device that would erase the tape recording that was to be the official transcript of his testimony. He withdrew a small object from his pocket and slapped it down onto the table in front of him. The stunned silence in the room was broken by Harvey's chuckle as he removed his hand to reveal a cigarette case.

Nowhere did Harvey cause a greater sensation than at the Bobbs-Merrill offices in Indianapolis where he worked. Executives at International Telephone and Telegraph, the parent company of Bobbs-Merrill, were aghast at the prospect of being linked to yet another CIA scandal. I.T.T. collaboration with the CIA in attempting to block the 1970 election of Chilean Marxist Salvador Allende was already the subject of one Congressional investigation.

Harvey was about to be fired. "The fact that Bobbs-Merrill is a subsidiary of I.T.T. had some bearing on it," Cox acknowledged, but the main reason was that "his drinking started to get out of control."

Cox called Harvey in for a talk. "I've drunk heavily all my life," Harvey told him, "I just can't handle it anymore. It's out of control. I just have to realize I'm an alcoholic."

Harvey began seeing a doctor regularly and, according to Cox, "got squared away on the booze problem." Cox said that "after Harvey got back . . . he came over to thank me for giving him a second chance. He said he couldn't guarantee the treatment would work. If it didn't, he said, he could forget about leading a meaningful life."

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Harvey awoke with chest pains at 5:45, Tuesday morning, June 8, 1976. By seven o'clock, he was in the intensive-care unit at Methodist Hospital. On Wednesday, he underwent open-heart surgery. For four hours, surgeons worked to implant an artificial valve that might somehow overcome the toll taken by obesity, cigarettes and alcohol. He died, holding his wife's hand, at ten minutes past two in the afternoon of June ninth.

"Bill was 60, too young to go," his wife wrote in a letter to his colleagues at Bobbs-Merrill. "He had many plans ahead. He had lived a very full and satisfying life by his own estimation. He said few men were blessed with the opportunity he had to serve his country." At the funeral home, she proudly announced that he would be buried wearing his favorite boots and silver belt buckle. Then the bitterness broke through. Standing over the casket, she launched into a tearful tirade against "that awful Frank Church," chairman of the Senate Select Committee on intelligence activities. She was entitled to her venom. It was unfair to leave Harvey stranded in the public record as the CIA's hit man. He had been that, but so much more—the nemesis of Philby; the foreman of the Berlin tunnel. He had been the CIA's point man in the secret war and, although he had never heard a shot fired in anger, he was a combat casualty, a burnt-out case who, as one officer put it, "was asked to do things that nobody should have been asked to do."

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U.S. Stops Trying To Block Book Already in Print

Associated Press

The Justice Department yesterday gave up its effort to stop former CIA agent Philip Agee from publishing a new book that has already been published.

But the department stopped short of admitting its gaffe. In papers filed in U.S. District Court, it fudged on why it was amending its action against Agee.

On Feb. 6, unaware that the book was on sale in several Washington bookstores, the department asked for a preliminary injunction to prevent Agee from publishing "Dirty Work II: The CIA in Africa" without prior review by the CIA to eliminate secret material.

The book purports to identify CIA undercover agents in Africa, and the department said publication without review might endanger their lives.

When a reporter pointed out that the book was already on sale, department officials admitted that they hadn't known that when they filed the suit.

Yesterday, the department told the court that publication of the book "makes moot the United States' request for a court order enjoining publication."

"Before the court could act upon the United States' motion . . . the book was published and available in at least one bookstore in the District of Columbia."